

T H E
Traveller's Guide,
A N D,
The Country's Safety.

B E I N G
A Declaration of the Laws of *Eng-*
land against ~~High-way-men~~, or
Robbers upon the Road;

What is necessary and requisite to be
done by such Persons as are robbed in order
to the recovering their Damages;

Against whom they are to bring their
Action, and the manner how it ought
to be brought.

Illustrated with variety of Law Cases,
Historical Remarks, Customs, Usages, An-
tiquities and Authentick Authorities.

By J. M.

L O N D O N :

Printed for I. C. and T. S. and to be sold by
D. Brown at the black Swan and Bible with-
out Temple-Bar, and J. Walker in Vin-
Court, Middle Temple, 1692.

1877

1877

1877

1877

1877

1877

1877

1877

1877

1877

TO THE
READER.

TO travel the Road in safety is none of the least advantages we receive by the Laws of *England*; for by them it is that we are protected from the violence of those discontented, designing, profligate Wretches, the Robbers upon the High-way; fellows by their own Heraldry intitling themselves *Gentlemen of the Road*, and glory in their invention of the most *Gentile Trade of Ruining Mankind*; when, alas, if you look into their *Pedigree*, you will find them so

To the READER.

far from men of Honour or Vertue, that nothing can be made of them but a pack of idle dissolute Rascals, the best of them but *Cadets*, most commonly the spawn of broken Tradesmen and worst of *Debauchees*.

But we design not so much by this Treatise to give the *Character* of these *Disturbers* of the Quiet and Repose of *Mankind*, as to set forth what good and wholesome Laws have been formerly made by our discerning *Ancestours* against them, and how the honest *Traveller* may obtain a *Legal Recompence* for the Losses he sustains by such Cattel; The main scope and intent of this Discourse being to shew,

That, whereas by the Statute of *Winton*, made in the Thirteenth year of King *Edward* the First, If divers persons

To the READER.

persons had committed Robbery, the Hundred should have been amerced, if they had not apprehended all the Felons; and how that by the Statute of the Seven and Twentieth of *Eliz.* Chap. 13. a new Law is made in these points following,

1. None shall have an Action upon the said Statute 13 *Ed.* 1. except that the party robbed, doth give notice, as soon as he can, of the said Felony, to some of the Inhabitants of some Town, Village or Hamlet, next to the place where the Robbery was done.

2. If they in their pursuit apprehend any of the Offenders, That shall excuse them, although that they do not apprehend them all.

To

To the READER.

To which is added, for the benefit of Clerks and Attorneys, variety of Precedents, from the Declaration to the Execution, in all Cases relating to the prosecuting of the Hundred where the party is robbed, that nothing may be wanting to compleat a Work so profitable both to the Attorney and his Client.

J. M.

THE

T H E
T A B L E.

- R**obbery, what it is. fol. 1.
*Where and how the party is to
have restitution of the Goods where-
of he was robbed, upon an Appeal
or Indictment.* 6.
*Of the Action upon the Statute of
Winton against the Hundred* 14.
*Where and how notice is to be given of
the Robbery.* 25.
*At what time the Robbery must be com-
mitted to charge the Hundred by
an Action upon the Statute of Win-
ton.* 32.
*In what place a Robbery must be com-
mitted to charge the Hundred.* 42.
*How one or more against whom Exe-
cution*

The Table.

<i>cution is had may have contribution from the rest of the Inhabitants of the same Hundred.</i>	48.
<i>Of Hue and Cry.</i>	66.
<i>Who may raise the Hue and Cry, and for what cause.</i>	68.
<i>How and in what manner the fresh suit and pursuit is to be made upon a Hue and Cry levied.</i>	74.
<i>Who are bound to pursue upon the Hue and Cry levied.</i>	81.
<i>The Statute of Westminster 1. Cap. 9. Anno 3 Ed. 1. of Robberies.</i>	86.
<i>The Statute of Winton Anno 13 Ed. 1. of Robberies.</i>	88.
<i>The Proclamation or Writ directed to the Sheriff Anno 21 Ed. 1. to proclaim the Statute of Winton.</i>	91.
<i>The Statute of 28 Ed. 3. Cap. 11.</i>	94.
<i>The Statute of 27 Eliz. Cap. 11. Of Hue and Cry.</i>	97.
<i>The Form of an original Writ upon the Statute of Hue and Cry.</i>	111.
<i>The Return of the same Writ.</i>	115.
<i>A Declaration upon the same.</i>	116.
<i>Aliter in Divisis Hundredorum.</i>	117.
<i>General Issue pleaded with challenge to the Hundred.</i>	118.
<i>Barr,</i>	

The Table.

Barr, that no Hue and Cry was made.

119.

*Non inform' to a Declaration upon
the Statute, with Judgment after a
Writ of Inquiry.*

120.

*Judgment upon the Statute after Ver-
dict.*

122.

Venire Facias.

123.

*Distringas against the Jury, with the
Retorn.*

ibid.

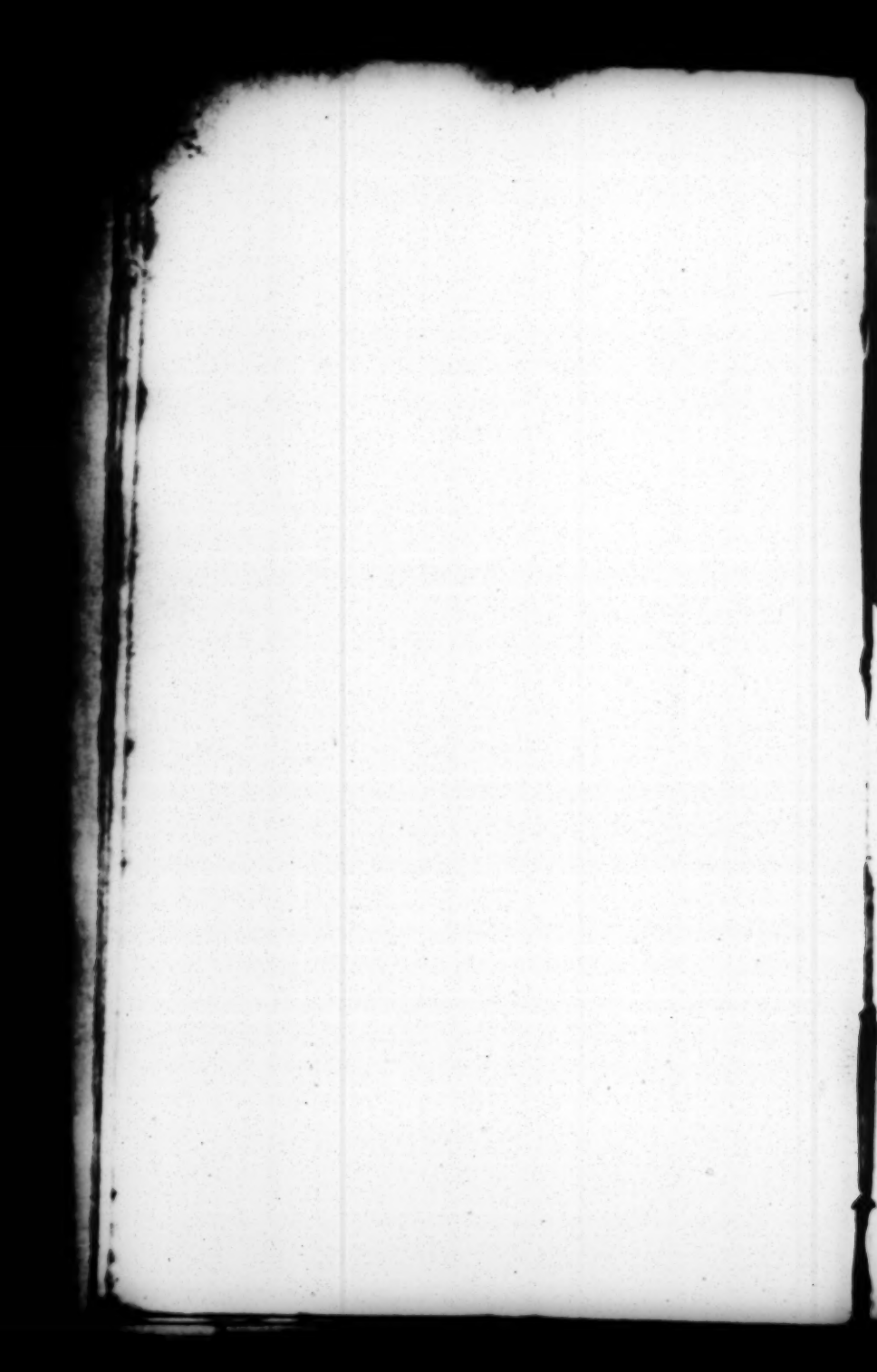
Writ of Inquiry.

124.

*The Oath to be taken before a Justice
of Peace by the person or persons
who are robbed, whereupon the par-
ty robbed may ground his Action ac-
cording to the Statute of 27 Eliz.*

126.

T H E



I

T H E
Traveller's Guide,
A N D,
The Country's Safety.

What is Robbery.

RObbery is the felonious taking of any thing from the person of another against his will, whereby the person is put in fear ; though the thing taken be but to the value of a peny, for which the Offender shall be hanged.

Yet in some cases it is not necessary that the thing whereof the party is robbed be actually taken from his person, for if the Robbers obtain it by force and menaces, though the owner himself delivers it to

B them,

The Traveller's Guide, and,

them, yet this tantamounts to a taking from the person ; for the Law respects the original cause (*viz.*) the threats and menaces which necessitated the Propriator to quit his goods for the preservation of his life and person ; As if one command another presently to deliver him his purse, or otherwise he will kill him, which he does accordingly, this is Robbery, for the danger he confessed himself to be in by reason of those threatnings was the cause and motive of that delivery ; So if two or more take a man and by force compell him to take an Oath to bring them such a sum of money, and if he does not they threaten to kill him ; Though he brings it in pursuance of his Oath, and delivers it to them and they take it, yet this is Robbery, notwithstanding that by this inforced Oath he was not bound in conscience to bring them the money ; for he took it for fear of death, and so not voluntarily ; If Felons come in the night to rob me in my house, and I, fearing lest they should enter the
the

The Country's Safety.

3

the house and rob me, and, to prevent their entry, I throw money or plate, &c. out at the window to them, which they take and de- ^{44 Ed. 3.} part, this is Robbery; for, in construction of Law, it is the same as if they had taken it from my person. ^{14.}

If Felons take goods openly in a place where the Owner is present, and thereby put him in fear, or take his horse or drive his cattle out of his pasture or fold, he standing by and looking on them, so that he be terrified by their violent carriage, menaces, assaults or otherwise, this is Robbery in the takers, and the Law supposes it to be done with such violence that he is not able nor dare not to resist them, & *in privata causa nemo tenetur exponere se periculis.* ^{22 Aff. P. 39. Fir. Car. 115.}

The putting the party in fear is an especial part of a Robbery, without which, in estimation of Law, no Robbery can be committed; for if ^{5 Eliz.} I be travelling upon the road, and ^{Dier 224.} one comes by and takes my money from my pocket, or my sword from

The Traveller's Guide, and,
my side unknown to me, this is Felony but no Robbery.

The taking away of something from the person, either in Fact or Law, is as necessary an ingredient to make a Robbery as the Putting of the party in fear ; As if one lies in wait in the high-way to rob passengers, and he bids a Traveller which comes along to stand and
9 Ed 4.26. yield him his purse, if the Traveller upon resistance overcome him, and either apprehends him or puts him to flight, though there was a design and an attempt to commit a Robbery, yet, *voluntas non reputabitur pro facto*, and though the Law adjudges this intent to be no Robbery, yet it ranks it, and that not undeserved, amongst the highest of misdemeanours.

So that the difference betwixt Robbery and a Theft is that, That one is done openly and with force, the other secretly and surreptitiously ; And if any thing be taken from a man openly and in his presence, and his person is not thereby put in fear, this amounts onely to a trespass.

A Tra-

The Country's Safety.

5

A Traveller may justifie the killing of any person who shall attempt to rob or murther him upon the way, and that without the forfeiture of either lands, goods or chattels; This point of the forfeiture was somewhat disputable at the Common Law; Some would have it to be the same with killing of a man by chance-medly, or *se defendendo*; but this point hath been cleared by an explanatory Act made in the 24 H. 8. cap. 5. where it is declared, *That if any person or persons do attempt feloniously to rob or murther any person or persons in or nigh any common high-way, cart-way, horse-way or foot-way, and if any such evil disposed person happen to be killed or slain in such attempt, and he that so killed him be thereof indicted or appealed, That the person or persons so indicted or appealed, and of the same by verdict so found and tried, shall not forfeit or lose any lands, tenements, goods or chattels, for the death of any such evil disposed person in such manner slain; but shall be thereof and for the same fully*

22 Aff. 15.
26 Aff.
p 23. & 32.
(c. l. 5. 91.
Fit. Conon.
30. & 305.

The Traveller's Guide, and,
acquitted and discharged, in like man-
ner as the same person or persons
should be, if he or they were lawfully
acquitted of the death of such evil
disposed person or persons.

*Where and how the party is to
have restitution of the goods
whereof he was robbed, upon
an Appeal or Indictment.*

AT the Common Law, before
the Statute of *Westminster*, the
person robbed had no other satis-
faction but onely restitution of his
goods, in case he made fresh pur-
suit after the Robber, and convic-
ted him at his own Suit (*viz.*) by an
Appeal of Robbery. The Law is
so eager to have Felons apprehen-
ded, that if the party does not use
his utmost endeavours to get the
Offender taken, it punisheth him
with the loss and forfeiture of the
goods stolen; So that if the Male-
factor be convicted at the Suit of
the party, yet if the Jury does not
find

find that he had made fresh suit after the Felon, the goods stolln are forfeited to the King, and no restitution can be made of them.

As the Law condemns the not pursuing or in slack and faint pursuit of Robbers; so it rewardeth diligent endeavours though they meet with no success: for if a Felon which committed a Robbery be not taken by the space of a year after the Felony committed, yet if the party that was robbed doe his endeavour to apprehend the Felon, and make diligent and special enquiry for him, and after he be taken, though not at the suit of the party robbed, yet that shall be adjudged a sufficient fresh suit, and upon his appeal brought, and the Offender convicted, he shall have restitution of his goods robbed; and if this fresh suit was made by a Servant, and not by the party robbed himself, it is sufficient to procure him restitution.

Conviction without Attainder is sufficient to entitle the Appealant to a restitution, though in ancient

B + times

The Traveller's Guide, and,

times some opinions have been to the contrary, and that no restitution could be made untill after attainder, and in some cases where no attainder could be (as where the Felon died in prison before the Owner had commenced his appeal) though the suit was never so fresh, *Fit. Coron.* 319. 8 *E.* 3. 10. But now it is agreed that if after the appeal commenced the Felon die in prison or break the prison, the fresh suit shall be enquired, and if found, the party robbed shall be restored to his goods, *Fit. Coron.* 379. 26 *Aff.* p. 32. So if the Malefactor stand mute or challenge peremptorily above the number which the Law does allow, or demand his Clergy, in every of these cases the fresh suit being found by inquest, the Appealant shall have restitution of his goods, for he had done all that he could in order to an attainder.

If an appeal of Robbery be sued against the Principal and Accessory, and the Principal be attainted and the fresh suit is found, restitution shall be made of the stolen goods with-

The Country's Safety.

9

without prosecuting the suit against the Accessory, and yet his continuance of the suit against the Accessory shall not hinder his restitution, for that the principal Felon is attainted by his procurement; and the Appealant shall have restitution whether the Accessory be attainted or acquitted; In the same manner the Appealant shall have restitution where he sues an appeal against two as Principals and one of them is acquitted, 21 *Ed.* 4. 16. 10 *H.* 4. 5. If one man rob divers men, for which they bring their several appeals, and the Felon is attainted at the suit of one of them, and the fresh suit is found, in this case the rest shall not have restitution untill the Offender be convicted at their several suits, and likewise the fresh suit severally found.

There are some opinions which hold that if the Appealant sue the Robber to the outlawry that he shall have restitution of his goods without enquiring of the fresh suit, for that he had prosecuted against the Appealee as far as the Law gave him way.

B 5

AR

The Traveller's Guide, and,

An enquiry must be made of the fresh suit before any restitution can be awarded; and that too before the Justices and not the Sheriff, and by the Jury that convicted the Defendant of the Robbery: But in case the Defendant doth confess the appeal, then it must be enquired of by a *Visne* from that County where the Robbery was committed, and where the appeal is brought, except it be brought in *London*; for that the City hath a privilege not to be forced to appear upon Juries out of the City; And it cannot be taken there by *Nisi Prius*, because it is but an inquest of Office; Therefore in this case the *Visne* shall come from that County where the Robber was taken, and so it shall be enquired by the people of that County.

In the first place the Court is to ask the Defendant in the appeal if he claims any property in the goods; which if he says he does not, then it must be enquired if the goods were the Plaintiff's at the time of the Robbery committed,
and

The Country's Safety.

11

and also enquire of the fresh suit.

If the Manner (*viz.* the stolen goods) wherewith the Felon is taken be portable, or that it can be otherwise done with conveniency, it ought to be brought into the Court before the Justices, and if it be in a trunk, box, chest or cloak-bag, &c. the Appealant must tell particularly what goods there are in it before it be opened, or that he can have restitution.

The Appealant's fresh suit being found by the Inquest, the Court ought to award him restitution of all the goods contained in his appeal, which the King's Officers or any other had seized to the King's use.

Having shewed how the party robbed might obtain restitution of his goods by Appeal, in the next place falls under consideration the case of an Indictment: At Common Law, if the person robbed had steered his course this way he had certainly split himself upon the rocks; for restitution could in no
case

The Traveller's Guide, and, case be awarded upon an Indictment, though the Jury that found the Offender guilty of the Robbery had likewise found the fresh Suit. To remedy this inconveniency an Act was made 21 H. 8. cap. 18. whereby it was enacted, *That if any Felon or Felons do rob or take away money, goods or chattels from any of the King's Subjects, from their person or otherwise within this Realm, and thereof the said Felon or Felons be indicted, and after arraigned of the same Felony and found guilty thereof, or otherwise attainted by reason of evidence given by the party robbed or owner of the said money, goods and chattels, that as well Justices of Goal delivery, as other Justices before whom any such Felon or Felons shall be found guilty or otherwise attainted by reason of evidence given by the party so robbed or owner, or by any other by their procurement, have power by this Act to award from time to time Writs of restitution for the said money, goods or chattels in like manner as though any such Felon or Felons were attainted at the Suit of the party in appeal:* So that by

virtue of this Act the party robbed may have restitution upon evidence given by himself or by any other by his procurement notwithstanding that he made not any fresh Suit.

If the Servant be robbed of his Master's goods, the Master may give evidence against the Felon by virtue of these words. (*the party so robbed or owner*) And if the party robbed does not give evidence himself but procure another to doe it, this is sufficient within the words of the Statute to enable him to obtain restitution.

If one man do rob goods from three men severally, and he is indicted for the robbing of one of them, and thereupon arraigned; though the other two would give evidence against the Malefactor, yet they shall not have restitution of their goods within the intent and meaning of this Act, for the Felon is not attainted of any other Robbery but that whereof he is indicted: But if he be indicted of all the three several Robberies severally,

The Traveller's Guide, and, rally, and arraigned upon one of them, and convicted upon the evidence given by one of the parties robbed, yet he shall be after arraigned upon the other two Indictments that he may be also found guilty by the evidence of the other two persons robbed; to the end they may have restitution of their goods.

Though this Statute speak onely of the party robbed, yet his Executors and Administrators are within the meaning of it: for it is a beneficial Law, and gives a more speedy remedy to the party robbed than the Common Law gave by way of Indictment, and therefore ought to be construed beneficially.

Of the Action upon the Statute of Winchester against the Hundred.

HAVING shewed how and in what cases the party robbed may have restitution of the stolln goods, both

both upon an Appeal and an Indictment, now I shall proceed to shew what further remedy the Law gives him for his indemnity. At Common Law, if a man was robbed, he was presently to use his utmost endeavour to apprehend the Felon, and if he was found defective or negligent in this particular, the Law would give him no relief; and though there was no neglect in him, yet for want of the due and speedy assistance of others, which were obliged to joyn with him in the pursuit, perhaps the Robber was not taken untill such time as he had opportunity to make away and imbezle the goods; So that if it chanced that he was taken afterwards, the party was destitute of any sort of recompence, whereas if the Felon had been freshly and vigorously pursued from Town to Town, &c. as the Law does direct and require, he might have been taken with the Manner, and upon an Appeal brought and a conviction thereupon, the Owner was to have restitution of the goods which were stoln

The Traveller's Guide, and,

stolen from him. It is true the Law did punish the Inhabitants of the place where the Robbery was committed, if, upon notice given to the Constable of the Town, the Huy and Cry was not raised, and all persons within the Town were bound to follow the pursuit, which if they did not they were punishable by Fine and Imprisonment, this Cry was to be carried from Constable to Constable ; and if any Town was indicted for the escape of the Felon, the pursuit with Huy and Cry to the next Constable was a good excuse, a total neglect or at least the faint and weak performance of these fresh suits being not duly punished, Robbers did escape unpunished, and that impunity was an encouragement to others to commit the like enormities, to the great and manifest danger of the King's Subjects travelling upon their lawfull occasions. For the indemnity of persons who should sustain any loss by Robberies, and for the more effectual obliging of Cities, Towns and Villages, and to discharge
their

their duty with great care and diligence in the pursuing and apprehending of Felons, it was thought fit a Law should be made, that if the Felons were not taken within such a time, the Hundred where the Robbery was committed should satisfie the party whatever he was damnified thereby ; to that end there was a Statute made at *Winchester*, in the 13 E. 1. whereby, in the preamble thereof, is set forth the principal cause of the frequent escapes of Felons without being apprehended, and why the Laws which were then extant proved ineffectual to suppress and extinguish both Felons and Felonies, and whence the growth of them proceeded, for that Felons could not be attainted by the Oaths of Jurors, who had rather strangers should be robbed and the Robbers escape punishment than indict the Offenders, of whom great part were of the same Country, or at least, if the Offenders were of another Country, the Resarvors might be of places near ; and they did this, because no Oath was

was given to the Jurors of the same Country where the Felonies were committed, and no Law obliged them to restitution of damages, nor any penalty limited for their concealment and Latches. And for that the fear of a penalty more than that of an Oath might be a greater engagement upon them not to spare or conceal Felonies, therefore it was enacted, *That if any Robbery, &c. be committed (if need requires) Inquest shall be made in Towns by him that is Lord of the Town, and after in the Hundred, and in the Franches and in the County, and sometimes in two, three or four Counties, in case where Felonies shall be committed in the Marches of Shires. And it was further enacted, That if the Country will not answer for the Bodies of such Offenders, the people of every such Country shall be answerable for the Robberies and also the damages, so that the whole Hundred, with the Franchises being within the precincts of the same Hundred, shall be answerable for the Robberies done. And if the Robbery be done in the divisions*
of

of two Hundreds, both the Hundreds and the Franchises within the same shall be answerable; And after the Robbery be done, the Country shall have no longer space than half a year, within which time it shall behoove them to agree for the Robbery or Offence, or else that they shall answer for the Bodies of the Offenders.

But afterwards by another Statute made *An. 28 E. 3. cap. 11.* it is ordained That the Country shall have no longer term after the Robbery committed than forty days, within which time they must make satisfaction for the Robbery or answer the Bodies of the Felons.

The person robbed shall have an Action upon the Statute of *Winchester* against the Hundred, notwithstanding that the Statute does not expressly mention any Action; for when it says the Hundred shall answer for the Robbery and the damages; the Hundred within the meaning of the Statute is to be answerable to the party robbed; for he is the person damnified and intended to be relieved within this Act;

The Traveller's Guide, and,

Act; and when the Statute gives him recompence or satisfaction for the loss he had sustained by the Robbery, the Law by implication gives him the necessary means whereby he is to attain to it, and that is an Action to be grounded upon this Statute. Process and Execution against the Hundred, I shall speak of at large in another place.

Ca. li. 7.
fo. 7.

By the two aforesaid Statutes of the 13 E. 1. made at *Winchester*, and the 28 E. 3. the Country, if it did not answer for the Bodies of all the Offenders, must of necessity have made satisfaction for the Robbery, though (in case it was done by many) some of the Felons upon pursuit had been taken; but this is moderated by a Clause in the 27 El. cap. 13. whereby it is enacted, *If any Robbery be committed by two or more, and any one of them be apprehended upon such pursuit as the Law does require, that no Hundred or Franches shall incur the penalty or loss or forfeiture mentioned in this Statute of the 27 El. or any of the two*
for-

The Country's Safety.

21

former Statutes, though the rest of the Felons make their escape.

The party robbed was not limited to any time within which he should bring his Action before the 27 El. which Act does provide, *That no person or persons robbed shall take advantage by virtue of any former Act, to charge any Hundred where any robbery shall be committed, unless he or they so robbed shall commence his or their Suit or Action within one year next after such Robbery so committed; for if the Robbery be committed upon the first of May, and the original bear test the first of May following the Action does not lie, for it must of necessity be commenced within the year.*

This Statute of the 27 El. doth likewise bind the person robbed to the performance of some conditions before he can be enabled to bring his Action, for the Act says, *That no person or persons robbed, shall maintain any action of the two fore-mentioned Statutes, except the said person or persons so robbed, shall, with as much convenient speed as may be,*
give

The Traveller's Guide, and,

give notice of the same Robbery so committed unto some of the Inhabitants of some Town, Village or Hamlet near unto the place where such Robbery was committed; Nor shall by virtue of the Statutes aforesaid bring any Action unless he or they shall within twenty days next before such Action to be brought, be examined upon his or their corporal Oaths to be taken before some one Justice of the Peace of the County where the Robbery was committed, inhabiting within the Hundred where the said Robbery was done or near unto the same, whether he or they know the parties that committed the Robbery or any of them. And if upon examination it be confessed that he or they do know the parties that did the Robbery, or any of them, then he or they so confessing, shall, before the said Action be commenced enter into a Recognizance before the said Justice to prosecute the said person or persons so known to have committed the Robbery by Indictment or otherwise, according to the due course of the Laws of this Realm.

The Country's Safety.

23

So that these four things are absolutely necessary ; 1. That notice with all convenient speed be given to the Inhabitants of the place near where the Robbery was done. 2. That the said Oath be taken before the Justice of the Peace within twenty days next before the Action commenced. 3. That he enter into a Recognizance to prosecute the Felons in case he knows any of them. 4. That the Action it self be brought within a year after the Robbery committed.

If the Servant be robbed of his Master's goods, the Servant is to give the notice to the Inhabitants, for he is best able to describe the Felons, and give information which way they are gone; so that the Country by his directions may the better pursue and descry the Malefactors, and the Oath required by the Statute, made by him is sufficient, because the contents of the Oath is, *Whether the party robbed knew any of the Offenders?* and a knowledge of the Robbers (within the meaning of this Act) is expected from
none

The Traveller's Guide, and,
none but the person that was robbed.

The Servant is likewise the person to be bound in the Recognizance, the Statute requires that, because no person is supposed fitter to give evidence against the Offenders than he that was robbed by them. But the Action against the Hundred must be brought by the Master, for he is the Propriator: but if the Servant refuses to make the Oath, or enter into the Recognizance before the Justice, *Quære*, What remedy the Master hath against him?

If a man be robbed in the Hundred of *A.* in the County of *B.* and he that was robbed takes the Oath enjoined by this Act before a Justice of the Peace inhabiting in or near the Hundred of *A.* at any place out of the County of *B.* the Oath so taken hath been adjudged sufficient to entitle him to his Action, for by virtue of this Act he hath a special power (which is not confined to any place) to administer this Oath wheresoever he be, and it
is

is not like that authority which he derives from his Commission, which is local, and can be exercised no where else besides in the County where he is constituted Justice of the Peace.

If several men be robbed at one time and place, the number of their Actions to be brought against the Hundred depends upon the quality of the property they had in the goods whereof they were robbed; for if they had several properties they must bring several Actions, *Dier 37c. Pl. 59.* but if they be joint Owners or Proprietors then they must all join in one Action, or so many of them as are so jointly possessed.

Where and how notice is to be given of the Robbery.

IT appears by the Statute of *Westminster* the 1st, made in the third year of *Edward* the First, That at
C Com-

Common Law 'twas the duty of the Inhabitants to keep and guard the Country from Thefts and Robberies, &c. and in case any Felony was committed they were to pursue and apprehend the Felons, otherwise they were punishable for the escape of such Offenders: every Town was obliged at its peril to take notice of any Robbery committed within its precincts, though done (if in the day time) in a place never so secret; as if a man be slain in the Fields or Lane or any other private place belonging to the Town, if the Murtherer escape untaken, the Town was amerceable, though the Inhabitants thereof had not the least knowledge of it, for in many cases the Law doth presume a knowledge, as the Jury that is to try an Issue is supposed to have recognizance of the matter of fact in Issue between the parties; So if one be outlawed of Felony in the County-Court, and afterwards is received by any person of the same County, that receipt makes him accessory to the Felony, for the Law believes

Dier 210.
pl. 25.

no man, residing in the same County, to be ignorant of what is transacted in that Court, to which generally every one owes suit and attendance. Likewise if one retain my Servant in the same County where I live, if I bring an Action against him for so doing, his ignorance of the fact in this case does not excuse him, for he is bound to take notice of the first retainer, but if he retains my Servant in another County, then the Law is otherwise ; So also a man is bound to take notice of all Acts done upon his own freehold. The Statute of *Winchester*, which gives the Action against the Hundred, is general, and does not specify any time or place when or where the Robbery is to be done, which makes the Hundred liable, yet the Sages of the Law have put such a construction upon the general words of that Statute, that the Robbery, which binds the Country to render satisfaction to the party robbed, must be committed in the day-time, and not in the night, and not in a pri-

Co. li. 7.
fo. 7.

vate place as a House, but openly, so that the Country may take notice of it themselves, for it was not necessary for him that was robbed to levy any Huy and Cry, or give any notice of the Robbery to the Inhabitants of the Country, neither by the letter of the foresaid Statute of *Winchester* or by the meaning of it; for it may be that the person robbed was bound or maimed, &c. so that he could not raise any Huy and Cry or give any notice to the Country, and it is a general Rule in Law, that where the Law appoints no person to give notice, the party concerned himself is bound to take notice at his peril; as if a Church becomes void, by virtue of the Statute of the 21st. of *Hen. 8.* the Patron is bound to present at his peril within six months after the institution and induction into the second Benefice, though all this be done without his having the least knowledge of it. But if a Church becomes void by sentence of deprivation in the Ecclesiastical Court, and the six months after which

Cr. 10. par. 1.
258.

Dier 292.

which the elapse is to incurr, is to commence but from the time of such notice given, and the reason of the first case is the Church being *ipso facto* void, there being no person whom the Law requires to give the Patron notice of such avoidance, he is obliged to take notice of it himself. If a Tenant in Fee-simple convey the Estate to the use of himself for life, the remainder to his Wife for life, the remainder to his eldest Son in Fee, and afterwards enfeoffs *A.* with Warranty, and dies, the Wife and the Son enter upon *A.* and joyn in a Feoffment to *B.* the Heir being barred by the Warranty, this Feoffment is a for- *Cro. Car.* feiture of the Wife's Estate for life; 393. for she was to take cognizance of the said Feoffment made by her Husband, because the Livery is a publick and notorious Act, and she ought at her peril to take notice of this Act done upon the Land, none being bound to give her notice of it.

That this matter of the notice is now altered by the Statute of 27 *El.* whereby it is provided, *That no*

The Traveller's Guide, and,

person shall maintain any Action upon the Statute of Winchester or any other Statute, except the person robbed, with as much convenient speed as may be, give notice of the Robbery to some of the Inhabitants of some Town, Village or Hamlet near the place where such Robbery shall be committed: yet it is not necessary that notice be given to those of the Hundred where the Robbery was done, but to the Inhabitants of any Village near adjoining to the place where the person was robbed, though in another Hundred, for the Statute does not mention that notice be given to the Inhabitants of that Hundred where the Robbery was committed, and also by intendment the person robbed cannot know the divisions of the Hundred; And though notice be given out of the County, yet it is well enough, provided he makes it in a Village near adjoining to the place where he was robbed; As in an Action brought against the Hundreds of *Dackrum* and *Cashoe*, the Plaintiff alledged the Robbery to be committed at *Shealey* and *Ridge* in
divis

Cro. Car.
529.

Cro. Car.
41.

The Country's Safety.

31

divisis Hundredorum de Dacorum & Casloe in Com. Hertford, and that he gave notice of the Robbery at *South Mims*, in the County of *Middlesex*, near the Hundreds aforesaid, in this case the whole Court adjudged the notice given in *Middlesex* to be sufficient, and that the party robbed is no more bound to know the divisions of Counties than he is of Hundreds. And likewise notwithstanding that the words of the Statute are, *that notice be given near the place where the Robbery was*, yet the Court held that this allegation of the notice given at *South Mims*, near the Hundreds aforesaid, was well enough, and shall be intended in the division where the Robbery was done; So if a Robbery be alledged to be committed in *divisis Hundredorum, &c.* and notice given at such a place, *&c. prope divisis Hundredorum predict.* &c. it shall be intended to be given in the division of the Hundreds where the Robbery was done, and not in the most remote place thereof, for that should be a forein intendment, though it be

New Book
of Ent.
fo 348.

The Traveller's Guide, and,
good either way, yet it is best to
alledge the notice to have been gi-
ven at the place where the Robbe-
ry was committed, or at a Village
near unto adjoyning.

*At what time the Robbery must
be committed, to charge the
Hundred by an Action upon
the Statute of Winchester.*

Co. li. 7.
fo. 7.

THough the Statute of *Winche-
ster*, as I have shewed you in
the foregoing Chapter, is general,
both as to time and place, and that
it hath been expounded not to ex-
tend to any Robbery, unless the
same be committed in the day-time,
for of Felonies done in the night
the Country of it self is not bound
to take notice, for they can-
not conveniently pursue or make
enquiry after the Offenders in the
night-time; And since the Statute
makes the Country answerable for
the

the Robbery, it were too hard to require from them a performance of that which they are deprived of. the ordinary and convenient means to effect. This Statute was expounded according to the rule and reason of the Common Law (as it may appear by the case of the 3d. of Ed. 3d. Tit. Coron. 293.) *That if a Murder or any other Felony be done in the night and the Malefactor escaped, the Town was not to be amerced for it.*

In this point of the time there is a difference between a pursuit for the King and for the party, upon the Statute, as shall be further demonstrated hereafter, when I come to treat of Huy and Cry; though in neither case the Law does constrain the Country to take cognizance at their peril of any Felony acted in the night: yet in case of a ^{2 Ed. 4.} pursuit for the King, upon actual ^{8. B. 9. A} notice given of the Felony, the Law, upon Huy and Cry levied, expects the readiness and uttermost diligence of the Inhabitants to follow the Malefactors; As if a man

The Traveller's Guide, and, be robbed or assaulted and offered to be robbed, either in the day or night, if the person himself or any other resort to the Constable of the Town, and acquaint him with the cases, describing the person, and giving information which way the Offender is gone, and require him to raise the Huy and Cry, it is the duty of the Constable to raise the power of the Town, as well in the night as in the day, for the prosecution of the Offender, and if he be not found, there to give warning to the next Constable, and he to the next, untill the Offender be taken.

If a Traveller be robbed in the night, and gives notice to the Constable of the Village as aforesaid, though the Constable is obliged (as I have said already) to raise the Huy and Cry, yet this at the most is but a pursuit for the King, and the Traveller shall take no advantage of the negligence thereof, in case the Felons make their escape, for God hath ordained the day for man to labour and travel, as a fit time

time for him to exercise his industry, and the night for his repose and quietness, being tired and wearied with his daily operation; and accordingly the Law supposes every person in the night to have retired himself from his labour to take his natural rest; neither does the Law require his presence or attendance upon his own private affairs, nor allow an occasion to interrupt or disturb him in his sleep. Therefore it hath been adjudged that a man cannot distrain in the night for a rent Service (because the distress being in it self a demand of the rent, which the Tenant ought to pay, whensoever it is demanded, upon the Land out of which it issues) for that the Law does not require his being upon the ground, nor his readiness to tender his rent in the night as it does in the day-time. It is true, a man may distrain for damage Feasant in the night, and the Law does allow it onely for the necessity of the case, for if the Owner of the Land should permit the Cattel to continue there till

12 Ed. 3.

tit. Di-

stresses 17.

11 H. 7.

fo. 5. Acc.

10 Ed. 3.

fo. 21.

The Traveller's Guide, and,
 till morning, perhaps by that time
 they may estray out of the ground,
 and so they cannot be distrained at
 all, for they must be taken damage
 feasant (*viz.*) doing of the trespass
 upon the ground. Therefore since
 none are bound to have an eye in
 the night upon Thieves and Rob-
 bers in the Country, it is both the
 interest and safety of our Travel-
 ler, that he take care not to be a-
 broad at unseasonable hours, for
 then in some respect he is out of
 the protection of the Law, which
 makes no provision for his indemp-
 nity in case he be robbed, and the
 Poet further warns him of his dan-
 ger :

*Ut jugulent homines surgunt de
 nocte Latrones.*

And whereas it is further provi-
 ded by the Statute of *Winchester*,
cap. 4. That in all Cities and great
 Towns which are walled the Gates be
 kept shut from Sun-setting to Sun-ri-
 sing, I conceive that if a man be
 robbed in such a City or Town,
 though

though it be done in the night, yet the Inhabitants shall answer for the Robbery, and notwithstanding that at the Common Law no place was punishable for the escape of any Felon in the night, yet this Statute hath changed the reason and ground of that Law, and *ratio Legis est anima Legis & mutata Legis ratione mutatur & Lex*, for if they do not keep their Gates shut according to the Statute whereby the Felon escapes, there is a default and negligence in them, which renders them liable to punishment if the Felon be not apprehended by them, and it was adjudged in the 3d. of Ed. 3d. *That where a man being slain 3 Ed. 3. within a wall'd Town in the night, and the Colon. the Murderer escaped, that the whole 299. Town should be amerced, Quare,* Whether the case of the Robbery may not be within the same reason?

It is necessary that the Robbery, for which the County is to answer, be done in the day-time and out of the night, and if a man be robbed after Sun-set and before it be dark,
yet

The Crabeller's Guide, and, yet the Hundred is chargeable, as it was resolved in an Action brought against the Inhabitants of *Evringer*, by one *Ashpole*, who was robbed in *January* after Sun-set while it was day-light, and the Court gave Judgment for the Plaintiff, for that it was a time convenient for men to travel and be about their business.

And in another Action commenced against the Hundred of *Dunmore* in *Essex*, it was resolved that for a Robbery done in the morning *ante lucem* (*viz.* before it is light) the Hundred is not chargeable, for that the Robbery is done in the night.

In an Action upon the Statute of *Winchester*, brought against the Hundred of *Morely*, the Jury found that the Robbery was done *post lucem ejusdem diei & ante ortum Solis*, that is, after day-break and before Sun-rising, and it was adjudged the Plaintiff should recover against the Hundred. So also a Robbery committed *post occasum Solis & per diurnam lucem*, that is, after Sun-set and

The Country's Safety.

39

and by day-light, was held good to charge the Country.

The Hundred of *Warrington*, being sued upon the aforefaid Statute for a Robbery committed, it was held by *Anderson* and all the Justices, that if a Robbery be done in the morning before day or in the evening after the day, in any time *Cro. Eli.* of the night in which men use com- 270. monly to travel, that the Hundred is answerable for it. But if it be done at twelve or one of the Clock in the night, at which time every one is intended to be in bed, the Hundred is not bound to answer for the Robbery, *Quare* of this Case, for it contradicts the forementioned Authorities, and the reasons of them.

Though in most cases travelling upon the *Sunday* be prohibited and punishable by Law, yet if any person so travelling be robbed, the Country is not excusable, as it was held by three Justices, in the case of one *Wayne*, against the Hundred of *Stoke*, *That notwithstanding a Robbery be committed upon the Sunday in*
the

Cro. Jas.
469.

the time of Divine Service, yet this is no excuse for the Country, for it is their charge and duty to provide that Robberies be not done, and if they be that they suppress them; and the Statute of Winchester is made for the maintenance of the peace of the Realm and the advancement of Justice, and therefore ought to be liberally and favourably construed, and the pursuing of Felons, who attempt to violate the Sabbath, is no offence but a good work of Charity and Justice, for if it were otherwise it would prove the occasion and encouragement of committing Robberies frequently upon that day. And sometimes divers persons upon necessity are forced to travel upon the Sunday, as Physicians, Chirurgeons and Midwives, and it was judged but reasonable they should be protected in their Journeys.

But this Law is in some sort now altered by a Statute made in the 29th. year of the Reign of his present Majesty, whereby it is provided, That if any person or persons whatsoever which shall travel upon the Lord's day shall be then robbed. That

The Country's Safety.

41

no Hundred nor the Inhabitants thereof shall be charged with it, or be answerable for any Robbery so committed; but the person or persons so robbed shall be barred from bringing any Action for the said Robbery, any Law to the contrary notwithstanding; Nevertheless the Inhabitants of the Counties and Hundreds (after notice of any such Robberies to them or some of them given, or after Hue and Cry for the same to be brought) shall make or cause to be made fresh suit and pursuit after the Offenders with Horsemen and Footmen, according to the Statute made in the 27th. year of Queen Elizabeth, upon pain of forfeiting to the King's Majesty his Heirs and Successors, as much money as might have been recovered against the Hundred by the party robbed if this Law had not been made.

In

In what place a Robbery must be committed to charge the Hundred.

THE Statute of *Winchester* speaks in general as well of the place as of the time, yet resolved Co. li. 7. in *Sendill's Case*, That if a man be robbed in his House either by day or night, the Hundred in which the House is shall not be charged to answer for it, and that for three reasons, 1. For that every man's House is his Castle, which he is bound to defend at his peril. 2. It is not lawfull for another to enter into any man's House for the invasion and safeguard of it. 3. That such a Robbery for which the Country shall answer within this Act ought to be done openly, so that the Country may take notice of it themselves.

Though the Law be so in case of a Robbery committed in a House, yet it seems (that since this Statute is to be expounded by the rules of the Common Law) that if a Rob-

a Robbery be done in any known place besides, the Country is liable. It is held in my Lord *Dier's Reports*, *That if a man be slain in the day-time that the Township should be amerced for the escape, though the Murther was done in any Fields or Lane belonging to the Town; hence I do infer, that if a person be robbed in any open or known place out of the High-way, that such Robbery is within the Statute: I conceive this Case may serve as a rule to expound this Statute by in reference to the place where, as well as that Case of the 3d. of Ed. the 3d. did in point of time, when the Robbery should be committed to charge the Country; for there a Murther was done *vespere*, in the evening after Sun-set, and the place was amerced for the escape, and according to the reason of this Case it was adjudged in the seventh Report in *Ashpool's Case*, *That a Robbery done after Sun-set and before it was dark was sufficient to charge the Hundred; So likewise because an escape in the night is in no case* punish-*

The Traveller's Guide, and,
punishable at Common Law, this Statute hath been expounded by the same rule that the Country should not answer for any Robbery done in the night.

But there is one Case which seems to confine all Robberies (which are within the meaning of this Act) to the Common High-way. The Case was this, *There was a way which was dangerous for Travellers to pass through, and very chargeable to be kept in repair, and upon an ad quod damnum, it was found accordingly; thereupon the old way was stopped up and a new one made through the Fields adjoining, which was more safe and commodious for Passengers, and to an Information brought for stopping the way this whole matter was pleaded, and Judgment for the King, 1. For that the Owner of the Land through which the new way was made might stop it at his pleasure. 2. Because if any Robbery should happen to be committed upon any person travelling in this new way, the Country was not liable to make satisfaction for it, for that they were not bound to keep Watch*
and

The Country's Safety.

45

and Ward there. To this I answer, That it is a charge and a duty incumbent upon the Inhabitants of every Country to see that no Robberies be committed in any place within their respective Precincts, and to use all means to prevent them, and if they be to suppress them, and it does not follow that the Country is not answerable for any Robbery unless the Inhabitants be bound to Watch and Ward at the same time and place where and when the Robbery is committed, for then no Robbery done after *Michaelmas* and before the Feast of the *Ascension* should bind the Country, nor between the Feast of the *Ascension* and *Michaelmas*, unless it be done after Sun-setting and before Sun-rising; for by the Statute, no City, Town or Village is obliged to keep Watch but from Sun-setting to Sun-rising, and that at no other time of the year but from the Feast of *Ascension* till *Michaelmas*, neither is it to be thought in reason that the number which the Statute does appoint to Watch (*viz.* six at every Gate

The Traveller's Guide, and,
 Gate of a City, twelve to a Tower,
 and six more or less according to
 the proportion of the Inhabitants
 to every Village) should guard e-
 very particular passage upon the
 Road: And Watches are not kept
 in the night to guard and secure
 Travellers from Robbers in the
 night, for the Country shall not
 make any satisfaction for a Robbe-
 ry done at that time; but their bu-
 siness principally is to examine all
 Strangers (which travel in the
 night) whence they come, whither
 they go, and what they be, and of
 their business, &c. and if they find
 cause of suspicion they may arrest
 and detain them till the morning,
 and if then no suspicion be found
 they may let them go, and if o-
 therwise they ought to deliver
 them to the Sheriff, or carry them
 before a Justice of the Peace, &c.
 And admitting that the Country is
 bound to keep Watch and Ward in
 the day-time, according to the 5th.
 of Ed. the 4th. where it was held,
*That the Inhabitants are not required
 by Law to Watch and Ward upon the
 Sun-*

Sunday, in the time of Divine Service, yet it was resolved in an Action brought by ——— against the Hundred of Stokes, That notwithstanding the Robbery was done upon the Sunday, and in the time of Divine Service that the Plaintiff should recover against the Hundred, and I conceive that it may be a general rule, that in what place soever a Felony be committed, for which the Town or Hundred were answerable at Common Law for the escape of any such Felon, that for a Robbery done under the same circumstances the Country shall answer. I have onely offered these reasons and submit unto the Judgment of the Reader.

How

How one or more against whom Execution is had may have Contribution from the rest of the Inhabitants of the same Hundred.

BY the Statute of the 13th. of Ed. the 1st. and 28 of Ed. the 3d. the whole Hundred where the Robbery was committed with the Liberties within the Precincts thereof, being liable to answer for the Robbery and the damages sustained thereby, when the party robbed had obtained Judgment against the Hundred, it was the usual practice to take Execution for the intire damage against one or very few of the Inhabitants, who being so charged had no remedy to force a contribution from the residue of the Hundred, which often proved to be the absolute impoverishment and ruine of such Inhabitants and their Families. To remedy this great inconveniency, and to lay the burthen

then equally upon the Inhabitants of the whole Hundred, who were equally chargeable by a Statute made *Anno 27 El. cap. 13.* it is enacted, That after Execution of damages so had by the party against one or few of the Inhabitants, it may be lawfull upon complaint made by the person or persons so charged, for two Justices of the Peace (whereof one to be of the Quorum) of the same County inhabiting within the said Hundred or near unto the same where any such Execution shall be had, to assess and tax ratably and proportionably according to their discretions all and every the Towns, Parishes, Villages and Hamlets, as well of the said Hundred where any such Robbery shall be committed as of the Liberties within the said Hundred to and towards an equal contribution to be had and made for the relief of the said Inhabitant or Inhabitants against whom the party or parties robbed had his or their Execution. And after such taxation made, the Constables, Constable, Headboroughs, or Headborough of every such Town, Parish, Village and Hamlet,

The Traveller's Guide, and,

shall by virtue of this Act have full power and authority within their several limits ratably and proportionably to tax and assess according to their abilities, every Inhabitant and Dweller in every such Town, Parish, Village and Hamlet, for and towards the payment of such taxation and assessment as shall be so made upon every such Town, Parish, Village and Hamlet, as aforesaid by the said Justices; And if any Inhabitant of any such Town, Parish, Village or Hamlet shall obstinately refuse and deny to pay the said taxation and assessment so by the said Constables, Constable, Headboroughs or Headborough taxed and assessed; Then it shall and may be lawfull to and for the said Constables Headboroughs, and every of them within their several limits and jurisdictions, to distrain all and every person and persons so refusing or denying by his and their goods and chattels, and the same disvess to sell and the money thereof coming to retain to the use aforesaid; And if the goods and chattels so distrained and sold shall be of more value than the said taxation shall

The Country's Safety.

51

shall come to, then the residue of the said money over and above the said taxations shall be delivered unto the person or persons so distrained. All and every such Constables and Headboroughs after that they have within their several limits and jurisdictions levied and collected their said rates and sums of money so taxed, shall within ten days after such Collection pay and deliver the same unto the said Justices of Peace or one of them to the use and behoof of the said Inhabitant or Inhabitants for whom such rate, taxation or assessment shall be had or made as aforesaid, which money so payed shall by the Justices or Justice so receiving the same be delivered over (upon request made) unto the said Inhabitant or Inhabitants to whose use the same shall be called.

It was held in one Dean's Case 10 Car. in the Common Pleas, That a person coming to inhabit in the Hundred after the Robbery, and Judgment given, is not liable to the Execution at the Suit of the party robbed, but a person coming after to inhabit is assessable to the Contribution, because

The Traveller's Guide, and,
*the Country is chargeable at the time of
 the assessment and not the persons which
 were there at the time of the Robbery
 committed. Vid. Dalton's Justic. 153.*

There was another inconveni-
 ency (before the making of the a-
 foresaid Statute of 27 *El.*) which
 occasioned great remissness and ne-
 gligence in the pursuing and appreh-
 ending of Robbers, for that by the
 Statutes of 13 *Ed. 1.* and 28 *Ed. 3.*
 the Hundred where the Robbery
 was done stood charged with the
 penalties therein contained, not-
 withstanding their disability to per-
 form what the Law required from
 them, and likewise notwithstanding
 they used their uttermost endea-
 vours in making of fresh suit and
 following the Malefactors in order
 to bring them to justice; the Inha-
 bitants of other Hundreds and
 Counties (besides those where the
 Robbery was done) knowing that
 though the Felons escaped that
 they were not bound to render sa-
 tisfaction to the party robbed, were
 careless in discharging their duty
 in prosecuting the Hue and Cry
 when

when it was brought to them; And to the end that the Inhabitants and Resiants of other places might be quickened and spurred on to use all possible diligence to suppress Robbers, the aforesaid Statute of 27 *El.* makes them who shall first make default in the pursuit to participate of the charge, which before was incumbent onely upon that place where the party was robbed, It is thereby enacted, *That the Inhabitants of every or any such Hundred (with the Liberties within the precinct thereof) wherein negligence, fault, or defect of pursuit after Hue and Cry made, shall happen to be, shall answer and satisfie the one moiety or half of all and every sum or sums of money and damages as shall by force and virtue of the said Statutes of 13 Ed. 1. and 28 Ed. 3. or either of them be recovered or had against, or of the same Hundred with the Franchises therein in which any Robbery or Felony shall at any time hereafter be committed or done, And the same moiety shall at any time hereafter be recovered by Action of D. bt, Bill,*

The Traveller's Guide, and,

Plaint or Information in any of the King's Courts of Record at Westminster, by and in the name of the Clerk of the Peace for the time being of every such County within this Realm where any such Robbery and Recovery by the party or parties robbed shall be without naming the Christian-name or Sir-name of the said Clerk of the Peace, which moiety so recovered shall be to the onely use and behoof of the Inhabitants of the said Hundred where any such Robbery shall be committed.

And lest the Action, &c. should any way miscarry, either by the death or removal of the Clerk of the Peace it is further provided by the said Act, *That if any Clerk of the Peace of or in any County within this Realm shall at any time hereafter commence or prefer any such Suit, Action or Information, and shall after the same so sued, commenced or preferred happen to die or to be removed out of his Office before Recovery and Execution had, yet no such Action, Bill, Plaint, Suit or Information sued, commenced or preferred, shall by such displacing or death, be*
abated,

abated, discontinued or ended, But it shall and may be lawfull to and for the Clerk of the Peace next succeeding in the said County to prosecute, pursue and follow all and every such Action, Bill, Complaint, Suit or Information for the causes aforesaid so hanging and depending in such manner and form to all intents and purposes as that Clerk of the Peace might have done which first commenced or preferred the said Suit, Bill, Complaint or Information.

If the moiety of the penalty be recovered in an Action brought upon the foresaid branch of this Statute against any Hundred for want of fresh suit and Execution had thereupon against one or few of the Inhabitants; There shall be the same course and method observed as is provided by this Statute for relief of part of able Inhabitants (of that place where the Robbery was done) whose goods and chattels are taken in Execution for the satisfaction of the person that is robbed, And the like taxation, assessment, levying by distress and payment shall be had and done within every Hundred where default and negligence of

The Traveller's Guide, and,

pursuit and fresh suit shall be, for and to the benefit of all and every Inhabitant or Inhabitants of the same Hundred where such default shall be, that shall at any time hereafter by virtue of this Act have any damages or money levied of them for the payment of the one moiety of the money recovered against the said Hundred where the Robbery is committed.

There is a private Act of Parliament made in the 39 *El.* cap. 25. for the relief of the Inhabitants of *Bogners* alias *Benherst* in the County of *Berkshire*, who in respect of the smallness and poverty of the place were not able to make satisfaction for the great and frequent Robberies committed within that Hundred, which hath two great Roads in it, the one leading from *London* to *Henly* upon *Thames*, the other from *London* to *Reading*, each of them being at least three miles in length thorough the woody ground called the *Thicket*; And in respect of the thinness of the Inhabitants, and few or none of their Villages being situated upon either

of these Roads; And having seldom any occasion for themselves or their Servants to be much conversant in or near the Roads, most part of the Hundred joyning to the High-way being woody ground, and so not fit for Tillage or Pasture, or any other use which may require the frequent being of the Resiants upon it. And so for these reasons they could not conveniently of themselves take notice of the Robberies committed upon these Roads. And therefore to ease them of the inconveniencies and of the great charges that they were equally like to undergo, to their utter impoverishment and depopulation, it is provided by this Act, *That the Inhabitants of the said Hundred of Benherst shall and may to their own proper use in the name of the Clerk of the Peace of the said County recover and levy all such sums of money, costs and damages as shall hereafter be recovered or levied of or against them by force of any of the Statutes which concern Robberies, against the Inhabitants and Resiants of every or any such*

The Traveller's Guide, and,
Hundred with the Franchises within the precincts thereof, wherein negligence, fault or defect of such pursuit or fresh suit (as by the said Statute of 27 El. is appointed to be made) shall happen to be after notice given or Huey and Cry brought to the said Inhabitants or Resiants or any of them of or upon any Robbery which shall be committed within the Hundred of Benherst: And this Act shall give full power and authority in all respects to the Inhabitants of the said Hundred of Benherst (in the name of the Clerk of the Peace of the said County) for the recovery and levying of all the said money, costs and damages aforesaid, as the Statute of 27 El. gave or intends to give for the recovery of a moiety or one half thereof. Provided always that no such remedy or recovery shall be had by this Statute for all or the whole sum or sums of money and damages aforesaid, but only in these two cases (viz.) The one where no such notice or intelligence (as by the said Statute of the 27 El. was appointed to be given of every or any Robbery) shall be given to the Inhabitants of the said
Hun-

Hundred of Benherst; The other where the Inhabitants of the same Hundred (after such notice of any Robbery to them or some of them given, or after Hue and Cry for the same to them brought) shall make or cause to be made fresh suit and pursuit after the Offenders with Horsemen and Footmen, according to the said Statute of 27 El. and where nevertheless the Offenders or any one of them shall not be apprehended within forty days after the Robbery committed.

One of the chief difficulties that the said Hundred of *Benherst* laboured under was in regard the Inhabitants thereof for the reasons already shewed could not of themselves take notice of the Robbery that they might make fresh suit after the Offenders, and nothing could excuse them of the penalty unless they or some other place answer the Bodies of all or any of the Robbers, and the party robbed was not obliged to give notice within the Hundred wherein he was robbed, for notice in another Hundred or County is sufficient, provided it be near
the

the place where the Robbery was done, as it appears by the preamble of this Statute of 39 El. *That upon a notice given at Maidenhead out of the Hundred of Benherst, and three miles distant from those thievish places in the Thicket where the Robbery was committed, recovery and Execution were had against the said Hundred for above two Hundred and fifty pounds; and you may read in the Chapter of Notice before, how notice given at South-Mims in Middlesex of a Robbery done in Hertfordshire was adjudged good. And notwithstanding this Act, if a Traveller be robbed within the Hundred of Benherst, and gives notice of the Robbery at another place out of the Hundred as aforesaid, yet the said Hundred shall answer for the Robbery as formerly, for the meaning of the Statute is not, that if there be notice at all given to the Inhabitants of the said Hundred, that for that reason they shall be excused of the penalty, but that if there be no such notice given to them within the Hundred, and the party*

party robbed recover against them, they shall recover over against the place where default of fresh suit shall happen the whole and intire penalty recovered against them. And in case there be such notice and intelligence given to the Inhabitants or Resiants of this Hundred as the Statute does require, and the Offenders escape, yet they shall recover the moiety according to the Statute of the 27 *El.* against the Hundred where the fresh suit ceased, &c.

There is another private Act 8 H. 6. c. 27. made for the relief of the Inhabitants of the Town of *Tewsbury*, in the County of *Glocester*, against the Commonalty of the *Forest Dean*, and of the Hundreds of *Bledstow* and *Westbury*, in the said County, for that Sundry Robberies were usually committed in a riotous manner by a great multitude of people of the said Commonalty upon the said Inhabitants of the Town of *Tewsbury* in their passage from thence upon the River of *Severn* to the City of *Bristol* and in their return

return back again, therefore to remedy these great enormities, The Sheriff of the said County or the Bayliffs of the Town of Gloucester for the time being or one of them, upon pain of forfeiture of 20li. to be levied of their lands, goods and chattels to the King's use, shall make proclamation at the said Town of Gloucester within four days next after notification made to them or any of them by the persons so endamaged, or by any other in their names of such injuries and trespasses done, and that the said Trespassers and Offenders shall restore in the same Town of Gloucester within fifteen days after the said proclamation to the said persons so endamaged their corn and merchandise, goods and chattels so taken or the very value of the same, with reasonable amends for the damages sustained by such taking; After which proclamation if the said Trespassers do not restore the said corn and merchandise, &c. or the value of them to the party so grieved in form aforesaid, with reasonable amends for the damages, or that the said Trespassers be not brought to the King's Prison

Prison to the Castle of Gloucester for the said trespasses, by the Officers of the said Forest and Hundreds, or by the Commonalties of the same, that then the consideration of the Statute of Winchester put for the Robbery of any person which giveth an Action for him that is robbed against the Hundred within which the same Robbery is done, after the form of the same Statute, the said Commonalties shall be charged of the said corn and merchandise, goods and chattels so taken or of the very value of the same to the party so grieved, to satisfy them of the damages for the same taking. And that the said parties so endamaged and grieved may have their general Actions of Debt against the said Commonalties of the said Forest and Hundreds of the sum of money, to which the value of the corn, merchandises, goods and chattels so taken do extend.

And although the said Commonalties be no Commonalties Corporate, yet they shall have process in such Actions of Debt by Summons, Attachments and Distress, as if he were to have

an Action of Debt at the Common Law; So that if the said Commonalties make default of the second distress in such Actions, that then the party which shall sue shall have Judgment to recover his Debt against the said Commonalties, after the supposal of their goods in the form aforesaid, with his reasonable damages and expences; And whatsoever issue triable by Inquest in the said Forest and Hundreds, shall happen to be taken in such Actions, it shall be tried by Inquest of the Body of the said County out of the same Forest and Hundreds; And that the goods and chattels of every singular person of the said Commonalties for the time being shall be had, taken and holden in Law convict, as the common goods and chattels of the said Commonalties touching the return, serving and execution of Writs, Processes and Judgments in and of the said Actions. And that every singular person of the said Forest and Commonalties have power by authority of the said Parliament to attach and arrest the said Trespassers by their Bodies, as well within the said Forest as without,

out, and so arrested to commit to the said Prison, and that the Keeper of the same Prison upon pain of 40li. to be levied of his goods and chattels, lands and tenements to the King's use, shall safely keep every such person so committed to his custody till that the King or his Council hath ordained and provided their deliverance upon record, and if the goods or chattels of any singular person or persons of the said Forest and Hundreds, being not guilty of the said Robberies happen to be put in Execution by reason of any such Action and Judgment, that then the said person and persons so being not guilty may have their special Action of Debt or Trespass upon the case, of the goods and chattels so upon Execution against the said Trespassers, to recover their damages as well for the value of the same goods and chattels so put in Execution, as for the damages and costs which happen to be had by reason of such Actions of Debt, and they shall have such Processes in the said Actions of Debt or Trespass as is to be had in the said Actions of Debt for the said persons so endamaged or spoiled.

Of

Of Huy and Cry.

FElony is so odious in the eye of Law that it punisheth the Author thereof with death, and will in no manner connive at the impunity such heinous Malefactors, and lest such violators of the peace should escape her Justice, she commands and requires the aid and assistance of all persons to apprehend and secure the Offender, and in case he be not taken in the Fact, to give by degrees a general and universal Alarm throughout the whole Kingdom for all people to take notice of the Offender; so that they may pursue and follow him in order to prevent his flight. And this grand Alarm is called in Law *A Huy and Cry*.

Huer in French (from whence the Law-Latin word *Hurtsum* is derived) signifies to hoot or shout, in English to Cry; And the two words Huy and Cry have but one signification,

tion, and as my Lord *Cook* terms it, the one is but an expression of the other, and sometimes one is used without the other, as in *Westm.* 1. cap. 9. where all men are commanded to be ready at the Cry of the Country. And the Law does not require that this Huy and Cry be made onely with a vocal sound, but it may well answer the ends of the Law if it be performed by an Instrument, as a Horn, a Trumpet, &c. as the *Mirour* and *Briton* have it, *avec Huy & Cry de Corne & de Bouche, (viz.)* with Huy and Cry of ^{2 Inst.} Horn and Mouth. 173.

This way of pursuing Felons by Huy and Cry is part of the ancient Common Law of this Realm, as it appears by those Authours who write of the Laws of *England* in use long before the Conquest, yet some have thought that Huy and Cry had its original from the foresaid Statute of *Westm.* 1. but that Statute it self proves the contrary, for it finds fault that good suit, that is fresh suit was not duly made.

*Who may raise the Huy and Cry,
and for what Cause.*

THere are two sorts of Huy and Cry, The one by Common Law, the other by Statute. The Huy and Cry by Common Law may be levied by any person who finds just cause to doe it; neither when a Felony is committed is it necessary for him to resort to the Constable of the Town where it was done, and acquaint him with the cause, describing the person, &c. and require him to begin it, but that either the party grieved or one that is eye Witness to the fact may raise the Huy and Cry themselves, and the people of the Town are bound to follow it when it is once so raised, and if the party does not so he incurs the penalty of the Law.

3 Inst. 117. For if a man be present when one
8 Ed. 2. is either robbed or murdered and
Coron. 395. does not endeavour to arrest the
Offender, he is punishable by Fine
and

and imprisonment; And so was the Law of old, *Siquis aliquem spoliatum viderit, fontem per acclamationem insequatur*, and it is likewise to be found amongst the Laws of *Carmutus* that if a man met a Robber in the way, and would suffer him to pass without raising the Huy and Cry upon him, he was to pay the uttermost penny the Felons life should be valued at. 3 Inst. 116.

It is not necessary that the Huy and Cry be made by the Constable, the party grieved, or him that saw the fact committed, nor that it be raised in the Town where the Felony was done, but that in all cases where every man has authority by a warrant in Law to arrest an Offender, as a man attainted or indicted of Treason or Felony may be apprehended by any person whatsoever, if an attempt be made to arrest any such person and he disobeys it and flies, the Huy and Cry may be levied upon him where ever he be.

If a Felony be done, and *A.* suspects *John a-Styles* to be the person

2 H. 7.
fo. 15.

son that committed it, the suspicion being personal none can attach him besides *A.* in this case if *A.* endeavours to apprehend him and he makes his escape, I conceive *A.* may raise the Cry after him because he had power to arrest him.

Note the Spectators are not to be Judges of the degree or quality of the offence; for if one kills another by chance-medly or *se defendendo* and flies for it, the Town shall be amerced for the escape, and by the same reason they may raise the Huy and Cry upon him, because the Inhabitants being bound to apprehend him, the Law allows them the means to effect it, and one of them is by Huy and Cry.

Every Justice of the Peace by virtue of his Commission may cause Huy and Cry, fresh suit and search to be made upon any Murther, Robbery or Theft committed.

The Statute of the 3d. of *Ed. 1.* entitled *Officium Coronatoris*, does ordain, *That upon all Homicides, Burglaries, men slain or put in great danger, the Huy and Cry shall be le-*
ued;

vied; though generally a Felony ought to be the ground and foundation of the Huy and Cry, yet in some cases it may be done though there be no Felony, as if a man be dangerously wounded or assaulted and attempted to be robbed, in both these cases, though in the one there was but a probability of a Felony, and in the other onely a will (discovered by the attempt) to commit it; So it seems if a rape be attempted upon a woman, she may justifie the levying of the Huy and Cry though she was not ravished indeed.

3 Inst. ib.
supra.

The Huy and Cry is appointed to be raised in some particular cases by Acts of Parliament, as the Statute of *Winchester* doth authorise the Watch to arrest night walkers, and if they disobey the arrest and fly, the Watchmen may make Huy and Cry, and such person shall be pursued from Town to Town and from Country to Country in the same manner with the Felon.

Stat. Win-
ton cap 3.
4 H. 7.
10. 2. 18.

It is likewise ordained by a Statute made *An. 21 Ed. 1. That if a Forester,*

Forester, Parker or Warrener, shall find any Malefactors wandring within their respective precincts, with an intent to
 3 *Inst. 117. commit any trespass or damage there, the said Officers may levy the Hue and Cry upon them; and if the Offenders thereupon will not render themselves to the said Officers, but fly or make resistance, if any of them be slain by the forementioned Officers, or by any other coming to their assistance, within their bounds or limits, and for the killing of such Offenders no person shall be answerable to the Law.*

As the Law gives authority to every man to raise the Country when there is a just and legal cause for it; so it does inflict a punishment upon such as shall alarm their Country without sufficient grounds to doe it;
 3 *Inst. 118. for if any man shall upon a feigned*
 29 *Ed. 3. cause raise a Hue and Cry upon another, he may be punished by Fine*
Fitz Tresp.
 252. *and imprisonment, and likewise may be bound to his good behaviour as a disturber of the publick peace.*

And to the end that Malefactors should find no shelter or protection
 under

under the wings of any great Men or chief Officers of any Country, and to engage them as well as other Inhabitants to promote the common Cry, it is ordained by the Statute of *Westm. 1. Cap. 9.* That if default be found in the Lord of a Franchise the King shall seise the Franchise into his own hands, and if default be found in his Bailiff he shall suffer one years imprisonment and afterwards make Fine to the King, and if he hath not wherewith, he shall be imprisoned for two years; And if the Sheriff, Coroner, or any Bailiff within such Franchise or without, for reward, or intreaty, or any affinity conceal, consent or procure to conceal the Felonies done within their Liberties, or otherwise will not attach or arrest such Felons (whereas they may) or otherwise will not doe their Offices for favour that they bear to such Offenders, and be thereof convicted, they shall be imprisoned for one year, and if they have not whereof to make Fine, they shall have three years imprisonment.

My Lord Cook in his Comment ^{2 Inst. 173} upon this Statute says that the King

E for

The Traveller's Guide, and,
 for such default shall retain the Franchise to himself for ever as forfeited; And *Anno 30 H. 3.* before the making of this Statute, *W. de Haverhill*, the Kings Treasurer, was commanded to seise the City of *London* into the King's hand, for that the Citizens thereof did not levy Huy and Cry for the death of *Mr. Guido de Arterio* and others slain there, as the Laws and Customs of the Realm did require.

3 *Inst.* 118.

*How and in what manner the
 fresh suit and pursuit is to be
 made upon a Huy and Cry le-
 vied.*

THE Statutes of the 13 of *Ed. 1.*
Cap. 2. 28 *Ed. 3.* *Cap. 11.* do
 command in general that Huy and
 Cry be made after Felons from
 Town to Town and from Country
 to Country; But it seems that at
 Common Law the method of pur-
 suing

suing Felons was, That the party robbed or otherwise grieved, or some person for him (though that be not necessary as I have shewed before) should repair to the Constable of the Town, and give him notice of the Felony, &c. and require him to raise the Huy and Cry, and the Constable ought to raise the power of the Town, and if the Offender be not found there to carry on the Huy and Cry to the next Constable, who was to doe the like in his Town, and so from Constable to Constable untill the Offender be taken, and this is to be done as well in the night as by day. *Cook 3 Inst.*

116. 2 *Ed.* 4. 8, 9.

It seems no Town is bound to pursue any further than to the next Constable, for such a pursuit is a good excuse for them if the Town be endicted at the King's Suit for the escape of a Felon. And every Town in this respect is a distinct Body, and ought to aid and assist their Constable (when he requires them) in the execution of his Office, as the whole County is bound

*Co. li. 7.
fo. 7.
Dier 370.*

The Traveller's Guide, and,
 to obey the Sheriff's command
 when he hath occasion to make
 use of the *Posse Comitatus*; And if
 the Inhabitants of any Town were
 obliged to prosecute a Felon fur-
 ther than to the next Constable,
 then by the same reason they might
 be required to go on from one end
 of the Kingdom to the other, which
 is both inconvenient and unrea-
 sonable.

Mirour
cap. 1.

And this seems to be the Law be-
 fore the Conquest, for the *Mirour*
 of Justice, treating of the Ordi-
 nances of the ancient Kings, saith,
 it was Ordained, That every one of
 the age of fourteen years and upwards
 should follow criminal Offenders from
 Village to Village at the Hue and Cry;
 it is said elsewhere that *Pervetusta*

3 Inst. 172. *Anglorum Lege sancitum est ut si quis*
damnum ex Furto passus, aut qui ip-
sum spoliatum videris fontem per ac-
clamationem insequatur, Constabulari-
us ejus Villa cujus opem implorat,
auxilia ciere, furemque perquirere
debet, quod si furem illic non depren-
derit in proximam transmigrare, &
Constabularium ad ferendas suppetias
iterum

iterum invocare, "It is established
 "by the ancient Law of *England*,
 "that if any person be robbed, ei-
 "ther he himself or one that sees
 "the Robbery done, may follow
 "the Offender with a Huy and Cry,
 "and the Constable of that Village
 "whose help he requires, ought
 "to call in aid and make enquiry
 "after the Felon, and if he cannot
 "find him there he ought to repair
 "to the next Village and require
 "the Constable of that place to
 "bring in further aid to pursue the
 "Felon.

If a Huy and Cry be levied, the
 Officer of the Town where the Fe-
 lony, &c. is done, as also the Of-
 ficers of other Towns whither
 the Huy and Cry is brought
 ought to give notice to all the
 Towns round about them respec-
 tively, and not to one next Town
 onely, to the end that the Cry may *Dal. 7. P.*
 spread it self far and wide into all *cap. 28.*
 Countries; So that it may be in a
 manner impossible for the Felon to
 escape, and in such cases it is re-
 quisite to give notice in writing

The Traveller's Guide, and,

(to the pursuers) of the things stoln, &c. and of the colours and marks thereof, and likewise to give a description of the person of the Felon, his Horse and Apparel, &c. and (if it can be known) to shew which way he is gone.

et. 3. r. d. l.

de Offic.

c. 67.

W. 1. 1.

l. 3.

121.

After notice given, the pursuit from place to place must be made immediately, with all the haste and expedition that may be, and that likewise carefully and industriously, and the pursuers if possible are to find out the Felon's footsteps, and to tract him all the way he went, and to use all other devices and means which may seem most conducing and effectual for the apprehending of the Felon, since our Law of *England* directs the pursuers to tract the Felon, I cannot pass over in silence what the learned Sir *John Dervice* mentions in his Preface to his Reports, *That amongst the manifold absurdities of the Brehon's Laws, formerly in use amongst the Irish, they had one custom that deserves imitation, which was, That if any cattel were stoln and the Owner followed the tract* (where-

(wherein, saith the Authour, the Irish are incredible cunning, inso-much as they can find the same by the bruising of a grass in the Summer-time) if the person into whose land the tract is brought cannot make it off into some other land, he is to answer the stealth to the Owner; and this Law is ratified there as both usefull and necessary for that Kingdom, though the rest of the Brehon's Laws be abolished.

Sir Nicholas Hide delivered in his Charge at Cambridge Assises, Anno 1629. That a Huy and Cry must be Dal. 7 P. made and pursued with Horsemen and cap. 28. Footmen, and that not onely a private search must be made in every Town, but that they must raise the Country as they go, and all still to follow the Huy and Cry as against a common Enemy.

Also if a Huy and Cry be brought into a Town the Officers thereof ought forthwith to search all suspected Houses and places within their limits; And any person who follows the Huy and Cry (whether he be an Officer or no) may arrest all

The Traveller's Guide, and,
 such persons as in the search or pursuit shall be found suspicious, and thereupon he that is so suspected ought to be carried before some Justice of the Peace of the Country where he is taken to be examined where he was at the time of the Felony committed.

It is provided by the Statute of the 27 El. *That no Hue and Cry made by the Country or Inhabitants of any Hundred shall be allowed for a lawfull Hue and Cry or pursuit unless the same be done both with Horsemen and Footmen, Quere, Whether this Statute extends to a pursuit at Common Law or at the suit of the King, or onely to a pursuit to be made at the suit of the party robbed, who is to recover against the Hundred upon the Statute of Winchester.*

27 Eliz.
 cap. 13.

Who

*Who are bound to pursue upon
the Huy and Cry levied.*

WHen the Huy and Cry is raised every Inhabitant (whose assistance the Law requires) ought to follow it, though he receives no command or notice thereof from any Officer who hath authority to demand their aid in this case, for if a Felony, &c. be committed and a Villor hears the Huy and Cry thereupon levied, he is not to expect command or notice from any person, but ought immediately to follow the Cry; for the Law which enjoins this duty upon him gives him a tacit command to doe it, and the Huy and Cry it self (being once heard) is a sufficient notice; And this Law is as ancient as we are able to trace it by the light of Letters; for many years before the Conquest it was held for Law, that if any man heard the Huy and Cry and did not pursue, he was to be

*Canon
Leges.*

E 5 puni-

The Traveller's Guide, and, punished as a Contemner of the King's Laws.

West. 1. cap. 3.
Offic. Cor. 4 Ed. 1.
 The Statute of *Westm. 1.* being but in affirmance of the Common Law commands all persons to be in readiness to arrest Felons when ever the Cry of the Country summons their attendance, and by another Statute made the next year after it is commanded, That all persons shall follow the Huy and Cry, and whoever does not and be thereof convicted shall be attached to answer before the Justices of Gaol delivery, and for such offence shall be fined and imprisoned. *Bracton li. 3. fo. 118. 3 Ed. 3. Coron. 333.*

Bracton li. 3. fo. 118.
 And *Bracton*, who writ before any Statute made concerning Huy and Cry, saith, That all Knights and others under the age of fifteen years, ought to take an Oath that they will not receive any outlawed persons, Murderers, Robbers, or such as have committed Burglary, and if at any time they should hear the Huy and Cry raised they should immediately follow it with their whole Family, and herewith agrees *Briton fo. 15, 19.*
 but

but *The Mironr of Justice*, who was *MIRONR*
the first Authour that writ of the *cap. 1.*
Laws of *England*, relates it to be
a Law established by the ancient
Kings of this Realm, *That such as*
be but of fourteen years of age are
bound to pursue Felons upon the Hny
and Cry.

Notwithstanding what is said be-
fore be general, and its literal sense
comprehends all persons, yet there
are some that may claim an exemp-
tion from this service or duty; As,
if a man be sick and not able to
travel, the Law will allow him a
privilege in respect of his infirmi-
ty, as well in this as in other cases;
for if a *Præcipe quod Reddat* be
brought against *John a-Stiles* re-
turnable at such a day, the Tenant
may be essoined *de malo lecto*, that
is, he may be excused of his appea-
rance, and thereby prevent his de-
fault, because he is sick a bed and
cannot travel; So if the Sheriff ar-
rests a man that is sick and returns
Languidus, this is a good return,
and the Sheriff shall not be amer-
ced, for the Law constrains no man

to

The Traveller's Guide, and,

to expose his life to imminent danger, unless it be in the defence of the Commonweale, wherein the publick safety ought to be dearer to every man than his life.

A man may be exempted in regard of any other corporal infirmity, whereby he is visibly disabled to effect that which the Law expects to be done, for *Lex non cogit ad impossibilia*. The pursuit ought to be made by men that are endued with strength and agility of Body, so that the pursuer may be in a capacity to follow the Felon, either by running or riding, &c. with equal speed to that of the Malefactor, whose fear and the sense of his guilt adds vigour to his flight, and puts him upon all desperate enterprises in this extremity, and to oblige a blind or lame person, &c. to the performance of this Office were to no end, but should be in it self *vannus & inutilis labor*, and from the same reason I infer that one over-grown with years may be excused in respect of his age, as a person *superannuated* is freed from serving

serving upon Juries. As for age, I conceive there is no certain term of years limited when any person shall either begin or cease to pursue upon the Huy and Cry, but in this case the abilities of the body must be the standing rule, as that of the mind in committing of Felonies; for though the Law computes fourteen years to be the age of discretion, yet if one under that age kills another, and it can be discovered by any circumstance that he had understanding, to discern betwixt good and the evil he had done, the Law will adjudge it Murther, for in this case *malitia supplet aetatem*; so that if a person of younger years be of greater strength and ability of body than one of twice his years, who is weak and infirm and not able to answer the end of the Law, such person may be required to pursue an Offender upon the Huy and Cry, (notwithstanding the two aforesaid authorities) for his capacity of performing the duty, brings him within the reason of the Law, which being altered alters the Law
it

The Traveller's Guide, and,
it self, for *ratio Legis est anima Le-*
gis & mutata Legis ratione mutatur
& Lex.

The Statute of Westm. 1.
cap. 9. Anno 3 E. 1.

Of Robberies.

“ **F**Orasmuch as the peace of this
“ Realm hath been weakly
“ kept heretofore, for lack of quick
Fresh suit. “ and fresh suit making after Felons
“ in due manner, and namely be-
“ cause of Franchises, where the
“ Felons are received: It is provi-
“ ded, that all generally be ready
“ and apparelled at the command-
Sheriffs. “ ment and summons of Sheriffs,
“ and at the Cry of the Country,
Arrest. “ to pursue and arrest Felons, when
“ any need is, as well within Fran-
Franchises. “ chises as without; and they that
“ will

" will not so doe, and thereof be *Refuse.*
 " attainted, shall make a grievous
 " Fine to the King. And if default
 " be found in the Lord of the Fran- *Fine.*
 " chise, the King shall take him to
 " the same Franchise : and if de- *Franchises.*
 " fault be in the Bailiff, he shall *Bailiff.*
 " have one years imprisonment, *Imprison-*
 " and after shall make a grievous *ment.*
 " Fine, and if he have not where- *Fine.*
 " of, he shall have imprisonment
 " of two years : and if the Sheriff, *Sheriff.*
 " Coroner, or other Bailiff within *Coroner.*
 " Franchise or without, for Reward
 " or for Prayer, or for any manner
 " of affinity, conceal, consent or *Conceal.*
 " procure to conceal the Felonies
 " done in their Bailiwicks, or o-
 " therwise do forbear to attach or *Attach.*
 " arrest such Felons (there as they *Office.*
 " may) or otherwise to doe their
 " Office for favour born to such *Favour.*
 " misdoers, and be attainted there-
 " of, they shall have one years im- *Imprison-*
 " prisonment, and after make a grie- *ment.*
 " vous Fine ; and if they have not *Fine.*
 " whereof to make Fine, they shall
 " have imprisonment of three years.
 " *Westm. 1. cap. 9. Anno 3 Ed. 1.*
 " and

The Traveller's Guide, and,

“and after *Anno 23 H. 6. cap. 5.*
 “it is enacted that this Statute shall
 “be put in execution.

The Statute of Winton,
Anno 13 Ed. 1.

Of Robberies.

“**F**Orasmuch as from day to day
 “Robberies, Murthers and
 “burning of Houses be more often
 “used than they have been hereto-
 “fore, and Felons cannot be at-
 “tainted by the Oath of Jurors,
 “which had rather suffer Felonies
 “done to strangers to pass without
 “pein, than to indict the Offen-
 “ders, of whom a great part be
 “folk of the same Country, or at
 “the least, if the Offenders be of
 “another Country, the Receivers
 “be of places near; and they doe
 “the

“ the same, because the Oath is not
“ now put unto Jurors, nor upon
“ the Country where such Felonies were done, as to the restitution of damages hitherto no
“ pain hath been limited for their concealment and laches : Our
“ Lord the King, for to abate the power of Felons, hath established
“ a pain in this case, so that from
“ henceforth for fear of the pain more than for fear of any Oath,
“ they shall not spare any, nor conceal any Felonies; and commandeth that Proclamation be
“ solemnly made in all Counties, Hundreds, Markets, Fairs, and
“ all other places where great Resort of People is, so that none
“ shall excuse themselves by ignorance, that from henceforth every Country be so well kept, that
“ immediately upon Felonies and Robberies committed, such fresh
“ suit be made from Town to Town, and from Country to
“ Country, likewise when need require, that Inquest be made in
“ Towns by him that is Lord of
“ the

The Traveller's Guide, and,

" the Town, and after in the Hun-
 " dred, and after in the Franchise,
 " and in the County, and sometime
 " in two, three or four Counties;
 " in case where Felonies be com-
 " mitted in the Marches of Shires,
 " so that the Trespassers may be
 " attainted, and if the Country do
 " not answer for such manner of
 " misdoers, the pein shall be such,
 " that the Country, that is, the
 " people dwelling in the Country,
 " shall answer for the Robberies
 " done, and also for the damages,
 " so that the whole Hundred where
 " the Robbery happeneth to be
 " done, with the Franchises, being
 " within the precinct of the same
 " Hundred, shall answer for the
 " Robberies done; and if the Rob-
 " bery chance to be done in the Di-
 " vision of two Hundreds, in such
 " case both Hundreds together,
 " with the Franchises shall answer
 " it; and after that the Felony or
 " Robbery is done, the Country
 " shall have no longer space than
 " forty days, within which it shall
 " behoove them to agree for the
 " Rob-

The Country's Safety.

91

“ Robbery and Trespass, or else
 “ that they answer for the Bodies
 “ of the Offenders; and forasmuch
 “ as the King will not that his
 “ people shall be suddenly put in
 “ fear of this penalty, which seemeth
 “ very hard to many, the
 “ King granteth that they shall not
 “ incur it immediately but it shall
 “ be respited untill the *Easter* following, &c.

Claus. Anno 21 Ed. 1.
 in 4. Dorso.

REX Vic' Ebor' s' Cum ad majorem tranquillitatem pacis nostrae tenend' & depredatorum ac aliorum malefactorum malitiam reprimendam quosdam articulos ea occasione per totum Regnum nostrum Statuerimus observari, inter quos ordinavimus & mandavimus per singulos Comitatus infra idem Regnum quod
 Proclamatio five Breve direct' Vic'. De quibusdam Articulis Statuti proclamand' & publicandis, &c.
 statim

The Traveller's Guide, and,
statim post Robberias & Felonias factas fieret recens secta de Villa in Villam & de Patria in Patriam. Et similiter Inquisitiones fierent si necesse esset in Villis, Hundredis, Libertatibus, Comitatibus & aliquando in duobus, tribus vel quatuor Comitatibus in casibus cum Felonia facta fuissent in Marchia Comitatum; Ita quod Malefactores deprehendi possent. Et si Patria de Corporibus hujusmodi Malefactorum non responderet, homines in Patria Commorantes de Robberis factis & damnis responderent, ac jam ex plurium insinuatione acceperimus quod post Statutum & Mandatum predictum Homicidia, Robberia, Incendia & alia Transgressiones diversa in Regno nostro in defectum articulo- rum predictorum, minus plene obser- vatorum de die in diem plus solito perpetrantur. Nos hujusmodi dam- nis & periculis obviare volentes, mis- simus vobis Statutum illud per nos editum sub sigillo nostro Precipientes & sub gravi forisfactura nostra fir- miter injungentes quod omni dilatione preposita Statutum predictum in ple- na Comitatu tuo in singulis Hundredis, Civita-

Civitatibus, Burgis, Feriis, Mercatis, & aliis locis solemnibus, quibus omnibus & singulis de Com' prad' inde major & celerior notitia & evidentiā fieri poterit publicè lege clamarè & firmiter teneri facias & omnibus & singulis contentis in eodem. Et pro certo scias & universis & singulis de Balliva tua ex parte nostra scire facias, quod exnunc conditiones & pœnas in dicto Statuto contentas de cetero volumus & præcipimus firmiter teneri & inviolabiliter observari. Et istud mandatum ita celeriter & diligenter exequaris quod ad te & tua tanquam ad mandatorum nostrorum contemptorem graviter capere non debeamus. Teste meipso apud Westm' xviij. die Novembris.

Eodem modo mandatum est singulis Vic' per totam Angliam per diversa Mandata sub tenore istius Litera præcedentis de verbo ad verbum, Teste ut supra.

*The Statute of 28 Ed. 3.
Cap. 11.*

“ **B**Ecause that great Clamour
 “ and grievous Complaints
 “ be made as well by Aliens as by
 “ Denizens, the Merchants and o-
 “ thers passing through the Realm
 “ of *England* with their Merchan-
 “ dizes and other goods, be slain
 “ and robbed, and namely now
 “ more than they were wont,
 “ whereof remedy hath not been
 “ made to the Complainants; our
 “ Sovereign Lord the King conside-
 “ ring the profit which may come
 “ to the said Realm, by coming
 “ and abiding of Merchants Aliens
 “ in the same Realm, and the da-
 “ mage and mischief which to them
 “ and other is done daily by such
 “ Manslaughters and Robberies, and
 “ willing to provide for the surety
 “ and indemnity of Merchants and
 “ others

“ others aforesaid, Hath ordained
“ and established, by the assent of
“ all his Parliament, to the intent
“ that Merchants Aliens shall
“ have the greater will and cou-
“ rage to come into the said Realm
“ of *England*, and that remedy
“ from henceforth be speedily made
“ to such Merchants and others
“ robbed, according to the form
“ contained in the Statute late made
“ at *Winchester*, that is to say, that
“ solemn Cry be made in all Coun-
“ ties, Hundreds and Markets, Fairs
“ and all other places where solemn
“ assembly of the people shall be,
“ so that none by ignorance shall
“ excuse him, that every Country
“ from henceforth be so kept, that
“ immediately after Felonies and
“ Robberies done fresh suit be made
“ from Town to Town, and from
“ Country to Country, and Inquests,
“ if need be, shall be also taken in
“ the Towns by him which is Sove-
“ reign of the Town, and after in
“ Hundreds, Franchises, and in the
“ County, and sometime in two,
“ three or four Counties, in case
“ when

The Traveller's Guide, and,

“when Felonies shall be done in
“the Marches of the Counties, so
“that the Offenders may be attain-
“ted ; and if the Country doth not
“answer of such manner of Offen-
“ders, the pein shall be such, that
“every Country, that is to say,
“the people dwelling in the Coun-
“try, shall answer of the Robbe-
“ries done, and of the damages,
“so that all the Hundred where
“the Robbery shall be done, with
“the Franchises which be within
“the precinct of the same Hundred,
“shall answer of the Robbery done;
“and if the Robbery be done in the
“Devises of two Hundreds, both
“Hundreds shall answer, together
“with the Franchises ; and longer
“term shall not the Country have
“after the Robbery or Felony done
“than forty days, within which
“them behooveth to make gree of
“the Robbery or of the Offence, or
“that they answer of the Bodies of
“the Offenders.

*The Statute of 27 Eliz.
Chap. 11.*

Of Hue and Cry.

“ **W** Hereas by two ancient Sta-
 “ tutes, the one made in
 “ the Parliament holden at *Winche-*
 “ *ster*, in the thirteenth year of the
 “ reign of King *Edward* the First,
 “ and the other in the eight and
 “ twentieth year of the reign of
 “ King *Edward* the Third, it was,
 “ for the better suppressing of Rob-
 “ beries and Felonies (amongst
 “ other things) enacted to this
 “ effect, That if the Country do
 “ not answer for the bodies of such
 “ Malefactours, that then the pein
 “ should be such, that is to wit,
 “ That the people dwelling in the
 “ Country, shall be answerable for
 “ the Robberies done, and the da-
 “ mages : so that the whole Hun-
 “ dred where the Robbery shall be
 F “ done,

The Traveller's Guide, and,

“ done, with the Franchises which
“ are within the precinct of the
“ same Hundred, shall answer the
“ Robberies done. And if the Rob-
“ bery chance to be done in the di-
“ vision of two Hundreds, that then
“ both the Hundreds together, with
“ the Franchises within the precinct
“ of them, shall be answerable, as
“ in the said two several Statutes
“ it doth more at large appear.
“ Forasmuch as the said parts of
“ the said several Statutes being of
“ late days more commonly put in
“ execution than heretofore they
“ have been, are found by experi-
“ ence to be very hard and extreme
“ to many of the Queens Majesties
“ good Subjects, because by the
“ same Statutes they do remain
“ charged with the penalties there-
“ in contained, notwithstanding
“ their inability to satisfie the same,
“ and though they doe as much as
“ in reason might be required in
“ pursuing such Malefactours and
“ Offenders, whereby both large
“ scope of negligence is given to
“ the Inhabitants and Resiants in
“ other

" other Hundreds and Counties,
 " not to prosecute the Huy and
 " Cry made, followed and brought
 " unto them, by reason they are
 " not chargeable for any portion
 " of the goods robbed, nor with
 " any damages in that behalf gi-
 " ven, and also great encourage-
 " ment and imboldening is like-
 " wise given unto the Offenders to
 " commit daily more Felonies and
 " Robberies, as seeing it in manner
 " impossible for the Inhabitants and
 " Reliants of the said Hundred and
 " Franchises wherein the Robbery
 " is committed, to apprehend them
 " without the aid of the other
 " Hundreds and Counties adjoin-
 " ing, and for that also that the
 " party robbed having remedy by
 " the aforesaid Statutes, for the
 " recovering of his goods robbed,
 " and damages against the Inhabi-
 " tants and reliants of the Hundred
 " wherein the Robbery was com-
 " mitted, is many times negligent
 " and careless in prosecuting and
 " pursuing the said Malefactours
 " and Offenders : Our Sovereign

The Traveller's Guide, and,

" Lady the Queens Majesty, not
 " willing therefore that her people
 " should be impoverished by any
 " such pein or penalty, which should
 " be hard or grievous to them, and
 " have special regard to abate the
 " power of Felons, and to repress
 " Felonies, doth for remedy here-
 " of, with the consent of the Lords
 " Spiritual and Temporal, and of
 " the Commons of this present
 " Parliament assembled, and by the
 " authority of the same Parliament
 " establish and enact, That the In-
 " habitants and Resiants of every
 " or any such Hundred, (with the
 " Franchises within the precinct
 " thereof) wherein negligence,
 " fault or defect of pursuit, and
 " fresh suit, after Huy and Cry
 " made, shall happen to be, from
 " and after forty days next after
 " the end of this present Session of
 " Parliament, shall answer and sa-
 " tisfie the one moiety or half of all
 " and every such sum and sums of
 " money and damages, as shall by
 " force or virtue of the said Sta-
 " tutes or either of them be reco-
 " vered

*Hundred.**Fresh suit.
Huy and
Cry.**Moiety.*

"vered or had, against or of the
 "said Hundred, with the Franchi-
 "ses therein, in which any Robbe-
 "ry or Felony shall at any time
 "hereafter be committed or done.
 "And that the same moiety shall
 "and may be recovered by Action
 "of Debt, Bill, Plaint or Infor-
 "mation, in any of the Queens
 "Majesties Courts of Record at
 "Westminster, by and in the name
 "of the Clerk of the Peace for the *Clerk of*
 "time being, of or in any such *the Peace.*
 "County within this Realm, where
 "any such Robbery and recovery
 "by the party or parties robbed
 "shall be, without naming the Chri-
 "stian name or Surname of the said
 "Clerk of the Peace, which moie-
 "ty so recovered, shall be to the
 "only use and behoof of the Inha-
 "bitants of the said Hundred, where
 "any such Robbery or Felony shall
 "be committed or done. And be
 "it further enacted by the authori-
 "ty aforesaid, That if any Clerk
 "of the Peace, of or in any Coun-
 "ty within this Realm shall at
 "any time hereafter commence

The Traveller's Guide, and,

“ or prefer any such Suit, Action,
“ or Information, and shall after
“ the same so sued, commenced, or
“ preferred, happen to die, or to
“ be removed out of his Office, be-
“ fore recovery and execution had:
“ That yet no such Action, Suit,
“ Bill, Complaint or Information, sued,
“ commenced, or preferred, shall
“ by such displacing or death, be
“ abated, discontinued or ended,
“ but that it shall and may be law-
“ full to and for the Clerk of the
“ Peace next succeeding in the said
“ County, to prosecute, pursue and
“ follow all and every such Action,
“ Bill, Complaint, Suit and Informati-
“ on, for the causes aforesaid, so
“ hanging and depending in such
“ manner and form, and to all in-
“ tents and purposes, as that Clerk
“ of Peace might have done which
“ first commenced or preferred the
“ said Suit, Bill, Complaint or Informa-
“ tion. And although the whole
“ Hundred where such Robberies
“ and Felonies are committed, with
“ the Liberties within the precinct
“ thereof, are by the two former
“ Statutes

" Statutes charged with the answer-
 " ring to the party robbed his da-
 " mages : yet nevertheless the re-
 " covery and execution, by and for
 " the party and parties robbed, is
 " had against one, or a very few
 " persons of the said Inhabitants,
 " and he and they so charged, have
 " not heretofore by Law had any
 " mean or way to have any contri- *Contribu-*
 " bution of or from the residue of *tion.*
 " the said Hundred, where the said
 " Robbery is committed, to the
 " great impoverishing of them a-
 " gainst whom such recovery or
 " execution is had. For remedy
 " whereof, be it enacted by the au-
 " thority aforesaid, That after ex-
 " ecution of damages by the party
 " or parties so robbed had, it shall
 " and may be lawfull (upon com-
 " plaint made by the party or par-
 " ties so charged) to and for two
 " Justices of the Peace, (whereof *Just. of P.*
 " one to be of the *Quorum*) of the
 " same County, inhabiting within
 " the said Hundred, or near unto
 " the same, where any such execu-
 " tion shall be had, to assess and
 " tax

Tax.

The Traveller's Guide, and,

" tax ratably and proportionably,
 " according to their discretions,
 " all and every the Towns, Pari-
 " shes, Villages and Hamlets, as
 " well of the said Hundred where
 " any such Robbery shall be com-
 " mitted, as of the Liberties with-
 " in the said Hundred, to and to-
 " wards an equal contribution to
 " be had and made for the relief of
 " the said Inhabitant or Inhabitants,
 " against whom the party or par-
 " ties robbed before that time had
 " his or their execution: And that
 " after such taxation made, the
 " Constables, Constable, Headbo-
 " roughs or Headborough of every
 " such Town, Parish, Village and
 " Hamlet, shall by virtue of this
 " present act, have full power and
 " authority within their several
 " limits, ratably and proportio-
 " nably to tax and assess according
 " to their abilities, every Inhabi-
 " tant and dweller in every such
 " Town, Parish, Village and Ham-
 " let, for and towards the payment
 " of such taxation and assessment as
 " shall be so made, upon every such
 " Town,

Constables.
 Headbo-
 roughs.

Tax.

The Country's Safety.

105

“ Town, Parish, Village and Ham-
“ let as aforesaid, by the said Ju-
“ stices: and that if any Inhabitant
“ of any such Town, Parish, Vil-
“ lage or Hamlet, shall obstinately
“ refuse and deny to pay the said *Refuse.*
“ taxation and assessment, so by the
“ said Constables, Constable, Head-
“ boroughs or Headborough taxed
“ and assessed, that then it shall and
“ may be lawfull to and for the said
“ Constables and Headboroughs, and
“ every of them within their sever-
“ ral limits and jurisdictions, to
“ distrein all and every such per- *Distrein.*
“ son and persons so refusing and
“ denying by his and their goods
“ and chattels, and the same distress
“ to sell, and the money thereof
“ coming to retain to the use afore-
“ said. And if the goods and chat-
“ tels so distreined and sold, shall
“ be of more value than the said
“ taxation shall come unto, that
“ then the residue of the said money
“ over and above the said taxation
“ shall be delivered unto the said
“ person and persons so distreined:
“ And be it further enacted, that

Constables.
Headbo-
roughs.

“ all and every the said Constables
 “ and Headboroughs, after that
 “ they have within their several li-
 “ mits and jurisdictions levied and
 “ collected their said rates and sums
 “ of money so taxed, shall within
 “ ten days after such collection pay
 “ and deliver the same over unto
 “ the said Justices of Peace, or one
 “ of them, to the use and behoof
 “ of the said Inhabitant or Inhabi-
 “ tants, for whom such rate, taxa-
 “ tion and assessment shall be had
 “ or made as aforesaid: which mo-
 “ ney so paid, shall by the Justices
 “ or Justice so receiving the same,
 “ be delivered over (upon request
 “ made) unto the said Inhabitant
 “ or Inhabitants, to whose use the
 “ same was collected. And be it
 “ further enacted by the authority
 “ aforesaid, that the like taxati-
 “ on, assessment, levying by distress
 “ and payment as aforesaid, shall
 “ be had and done within every
Hundreds. “ Hundred where default or negli-
 “ gence of pursuit and fresh suit
 “ shall be, for and to the benefit
 “ of all and every Inhabitant and
 “ Inha-

"Inhabitants of the same Hundred,
 "where such default shall be, that
 "shall at any time hereafter by
 "virtue of this present Act, have
 "any damages or money levi-
 "ed of them, for or to the pay-
 "ment of the one moiety or half
 "of the money recovered against
 "the said Hundred, where any
 "Robbery shall be hereafter com-
 "mitted. Provided, also, and be
 "it further enacted by the authori-
 "ty aforesaid, that where any
 "Robbery is, or shall be hereafter *Robbery.*
 "committed by two, or a grea-
 "ter number of Malefactours, and
 "that it happen any one of the said
 "Offenders to be apprehended by *Offender*
 "pursuit to be made according to *taken.*
 "the said former mentioned Laws
 "and Statutes, or according to this
 "present Act, that then and in such
 "case, no Hundred or Franchise
 "shall in any wise incur, or fall in-
 "to the penalty, loss or forfeiture
 "mentioned either in this present
 "Act, or in the said former Sta-
 "tutes, although the residue of the
 "said Malefactours shall happen to
 "escape,

The Traveller's Guide, and,

"escape, and not to be apprehen-
 "ded: any thing in this Statute,
 "or in the said former Statute to
 "the contrary notwithstanding.
 "Provided also, that no person or
 "persons hereafter robbed shall take
 "any benefit by virtue of any the
 "said former Statutes, to charge
 "any Hundred where any such
 "Robbery shall be committed, ex-
 "cept he or they so robbed, shall
 "commence his or their Suit or
 "Action within one year next after
 "such Robbery so to be committed.
 "And be it further enacted by the
 "authority aforesaid, that no Huy
 "or Cry, or pursuit hereafter to
 "be done or made by the Country
 "or Inhabitants of any Hundred,
 "shall be allowed and taken to be
 "a lawfull Huy and Cry, or pursuit,
 "upon or after any the said Felons
 "or Offenders, except the same
 "Huy and Cry and pursuit be done
 "and made by Horsemen and Foot-
 "men, any usage or custom to the
 "contrary notwithstanding. And
 "be it further also enacted by the
 "authority of this present Parlia-
 "ment,

One year.

*Horsemen.
and Foot-
men.*

"ment, that no person or persons
 "that shall hereafter happen to be
 "robbed, shall have or maintain
 "any Action, or take any benefit
 "by virtue of the said two mentio-
 "ned Statutes, or either of them,
 "except the said person and per-
 "sons so robbed, shall with as much
 "convenient speed as may be, give
 "notice and intelligence of the said
 "Felony or Robbery so commit-
 "ted, unto some of the Inhabitants
 "of some Town, Village or Ham-
 "let near unto the place where any
 "such Robbery shall be committed,
 "nor shall bring or have any Acti-
 "on, upon or by virtue of any the
 "Statutes aforesaid, except he or
 "they shall first within twenty days
 "next before such Action to be
 "brought, be examined upon his
 "or their corporal Oath, to be ta- *Oath*
 "ken before some one Justice of the
 "Peace of the County, where the
 "Robbery was committed, inha-
 "biting within the said Hundred
 "where the Robbery was commit-
 "ted, or near unto the same, whe-
 "ther he or they do know the par-
 "ties

The Traveller's Guide, and,

"ties that committed the said Rob-
 "bery, or any of them. And if
 "upon such examination it be con-
 "fessed that he or they do know
 "the parties that committed the
 "said Robbery, or any of them,
 "that then he or they so confessing
 "shall before the said Action be
 "commenced or brought, enter
 "into sufficient bond by Recogni-
 "sance before the said Justice, be-
 "fore whom the said examination
 "is had, effectually to prosecute
 "the same person and persons so
 "known to have committed the
 "said Robbery, by Indictment or
 "otherwise, according to the due
 "course of the Laws of this Realm.
 "*Anno 27 Eliz. cap. 13.*

*Recogni-
 sance.*

Judicial

Judicial proceedings on the Statute of Huy and Cry, or choice Precedents in all cases therein from the Original to Execution.

Carolus Secundus, Dei gratia, Breve originale super Statutis de Hutes & Clam'.
 Anglie, Scotia, Francie & Hibernia Rex, Fidei defensor, &c.
 Vic' D. salutem, si A. B. nuper de C. in Com' tuo gen' fec' te secur' de Clam' suo pros' tunc Pone per vad' & salvos pleg' Homines Inhabitan' in Hundred' de O. in Com' tuo quod sint coram, &c. (tali Return') ostens' quare cum in Statuto in Parlamento Domini Edwardi nuper Regis Anglia primi apud Winton' anno regni sui tertiodecimo tenet' edit' (inter cetera) ordinat' sit pro eo quod de die in diem Roberia, Homicidia & Incendia plus solito tunc fiebant quam antea solebant & Felones non potuissent esse attinet' per sacrm' Jur' qui magis voluntarie permittebant Felonias fieri de gentibus extraneis, & Felones evadere

The Traveller's Guide, and,

evadere absq; pœna quàm Malefactores indictari, unde magna pars fuerunt gentes de eadem Patria, vel adminus si Malefactores fuerunt de alia Patria eorum Receptores fuerunt de Visneto ubi huiusmodi malefacta fiebant. Et hoc faciebant pro eo quod sacrm' eisdem Juratoribus non ministrabantur nec in Patria ubi Felonia illa fiebant & quoad restitutionem damnorum pœna antetunc non fuit provis' pro concealamento & negligentia suis. Idem nuper Rex ad debilitand' posse Felonum stabilivit pœnam in illo casu. Ita quòd pro timore pœna plusquam pro pavore Sacramenti nullis extunc parcerent nec aliquas Felonias concealarent. Et mandavit quòd Proclamatio solemniter fieret in omnibus Com' Hundred' Mercat' Feriis & omnibus aliis locis ubi solemnis assembletio gentium foret sic quod nullus pro ignorantia se possit excusare. Et quod qualibet Patria extunc sic possit custodiri quod immediate post Roberias & Felonias factas recens infecutio fieret de Villa in Villam & de Patria in Patriam ac etiam Inquisitiones fierent si necesse foret in Villis per ipsum
qui

qui superior esset de Villa. Et postea
in Hundred' Franches' & in Com'.
Et aliquando in duobus, tribus vel
quatuor Com' in casu quando Felonia
fact' fuer' in Marchiis Com' ita quod
Malefactores potuissent esse attinet'.
Et si Patria de hujusmodi Malefacto-
ribus non responderet pœna talis esset
quod quilibet Patria scilicet homines
in Patria commorantes responderent
de Roberiis factis & damnis sic quod
totum Hundredum ubi Roberia illa
facta foret cum Franches' qua essent
infra pracinēt' ejusdem Hundred' re-
sponderent de Roberiis factis. Et si
Roberia illa facta foret in divisio-
rum Hundred' responderent inde duo
Hundred' cum Franches'. Et longio-
rem terminum non haberet Patria post
Roberiam & Felonias factas quam
quadraginta dies infra quos faceret
emendas de Roberia & malefactis vel
responderet de corporibus Malefacto-
rum prout in Statuto plenius contine-
tur. Ac cum quidam Malefactores pra-
fat' A. B. ignoti in quodam loco ibi-
dem vocat. B. infra Hundred' de O.
in Com' tuo vi & armis, &c. in ip-
sum A. B. insulsum fecer' & celi.

in pecuniis numeratis de denariis ipsius A. B. propriis ibidem inventi de eodem A. B. Felonice perceperunt, spoliaverunt & asportaverunt contra pacem nostram. Idemque A. B. immediate post Feloniam, Roberiam & spoliationem prædictam factam apud B. prædictam infra Hundredum de O. prædictam Hutes & Clam de Roberia & Felonia prædictam fecit & adtunc notitiam ibidem Inhabitantem ejusdem Villa de O. prædictam de Roberia & Felonia prædictam factam dedit. Et post Roberiam & Feloniam illam ac infra 20 dies ante diem impetrationis brevis originalis prædicta. Idem A. B. coram E. F. Ar' tunc uno Justiciorum nostrorum ad pacem in prædicto Com' D. conservandam assigni inhabitantem apud L. prope prædictum Hundredum de O. prædictum in Com' tuo examinatum fuit super sacramentum suum corporale juxta formam Statuti apud Westm' anno regni Domine Elizabethæ nuper Regine Angliæ vicesimo septimo inde editi & provis'. Idemque A. B. super sacramentum suum prædictum tunc dixit quod ipse non cognovit partes quæ Roberiam illam fecissent nec earum aliquam. Et post Roberiam illam factam quadraginta dies

dies jam praterierunt. Idem tamen homines inhabitantes in Hundred' prad' Emendas de Roberia prad' pra-
fat' A. B. hucusque non fecerunt nec corpora Felonum & Malefactorum prad' nec corpus eorum alicujus cep-
erunt nec de corporibus eorum seu de corpore eorum alicujus hucusque re-
sponderunt sed Malefactores & Felones ill' evadere permiserunt in nostri contemptum & ipsius A. B. grave damnum & contra formam Statuti pradicti de anno tertiodecimo supra-
dicto. Et habeas ibi nomina Pleg' & hoc breve Teste meipso apud Westm', &c.

Plegii de pros'	J. Doo } R. Roo }	Sum' infra nomi- nat' Inhabitan' in Retorn' Hundred' de O. inde. in Com' infra- script.

G. H. Ar' Vic'.

Devon.

Narr' inde. Devon' ff.

Homines inhabitantes in
 Hundredo de O. in
 Com' predicto attach' fuer' ad respon-
 dend' A. B. gen' de p'lito quare cum
 in Statuto in Parlamento, &c. (ut
 supra usque) vel responderet de cor-
 poribus Malefactorum prout in Statu-
 to predicto plenius continetur: ac
 cum quidam Malefactores prefato A.
 ignoti apud O. in Com' predicto in
 quodam loco ibidem vocat' B. (ut
 supra usque) & contra formam Sta-
 tuti predicti, &c. Et unde idem
 A. per G. F. Attorn' suum queri-
 tur quod cum quidam Malefactores
 videlicet quatuor Homines eidem A.
 ignoti 19 die J. anno Regni dict' Do-
 mini Regis nunc 33 apud O. in Com'
 predicto in quodam loco ibidem vocat'
 B. &c. (ut supra usque) Et post
 Roberiam & Feloniam illi fact' &
 infra 20 dies prox' ante diem impe-
 trationis brevis originalis predicti
 A. scilicet 20 die J. anno Regni Do-
 mini Regis nunc 33 predictus A.
 coram predicto E. F. Ar. tunc uno
 Justic', &c. (ut supra usque) Et
 post Roberiam illam fact' & ante
 diem

diem impetrationis brevis originalis
prædicti A. 40 dies jam scilicet die
impetrationis brevis originalis ipsius
A. præterierunt, &c. (ut supra us-
que) contra formam Statuti prædicti,
unde dic' quod deteriorat' est & dam-
num habet ad valenc', &c. Et inde
produc' sectam, &c.

¶ **H**omines inhabitant' infra Hun- Aliter in
dred' de A. & B. in Com' divis
prædicto attach' fuer' ad respondend' Hundre-
tam Domino Regi nunc quam C. D. dorum.
gen' de plito quare cum in Statuto
(ut in Or' usque) ac cum quidam Ma-
lefactores præfat' C. ignor' in Regia
via infra parochiam de B. in Com'
prædicto (qua quidem Regia via est in
divisis Hundredorum) vi & armis
(ut in Or' usque) Idemque C. imme-
diate post Feloniam, &c. fact' apud
Villam de H. in prædicto Com' M.
(que quidem Villa de H. est prope
prædictum locum ubi Roberia prædicta
sic ut præfertur facta fuit) Hutes'
& Clam' de Roberia & Felonia præd'
fecit. Et adtunc & ibidem notitiam
inhabitantibus ejusdem Ville de H. de
Roberia & Felonia illis dedit, &c. (ut
in Or'.) Barr'

Barr' sur Statut' de Hutes' &
Clam'.

Non cul.
one chal-
lenge de
Hundred'

II. **E**T predicti homines inhabitant in Hundredo predicto per A. B. Attorn' suum ven' & defend' vim & injur' & omnem contemptum. Et quicquid, &c. Et dic' quod ipsi in nullo sunt culpabiles de premissis superius eis imposit' contra formam Statuti predicti prout predictus quer' superius versus eos queritur. Et de hoc pon' se super Patriam & predictus quer' similiter. Et super hoc idem quer' dic' quod prad' homines inhabitant in predicto Hundredo de W. ubi Roberia illa facta fuit sunt partes defendentes versus quos idem quer' in forma predicta queritur. Et ea de causa pet' breve Domini Regis Vic' Com' prad' dirigend' de venire faciend' hic duodecim, &c. de Visn' Hundredi de O. prad' in Com' prad' (quod quidem Hundredum de O. est prox' Hundredum in eodem Com' predict' Hundredo de W. prox' adjacent')

jacen') ad triand' exitum predictum
superius in forma predicta junct'. Et
quia homines inhabitant' in predicto
Hundredo de W. hoc non dedic' ei
conceditur, &c. Ideo precept' est Vic' Verdict &
quod venire fac' hic in Crastino san- Judgement
cta Trin' de Visn' de predicto Hun- pur le pl'r.
dr' de O. duodecim, &c. per quos, &c.
Et qui nec, &c. ad recogn', &c.
quia tam, &c.

¶ **E**T predicti inhabitantes per A. Barr' per
B. attorn' suum ven' & de- nul Huy
fend' vim & injur' & omnem con- & Cry fait.
temptum. Et quicquid, &c. Et dic'
quod predictus quer', &c. Quia prote-
stando quod predictus quer' non spolia-
tus fuit Protestandoque etiam quod
predictus quer' per spoliacionem pre-
dictam non perdidit aliqua bona sive
catalla vel pecuniarum summas prout
predictus quer' superius allegavit.
Pro placito iidem inhabitant' dicunt
quod predictus quer' immediate post
Felomam, Roberiam & spoliacionem
predictas superius fieri supposit' apud
A. predict' non fecit Hutesiam &
Clamorem de Roberia predicta secun-
dum formam Statuti predicti prout
ipse

Narr' inde. Devon' ff.

Homines inhabitantes in
 Hundredo de O. in
 Com' predicto attach' fuer' ad respon-
 dend' A. B. gen' de p'lito quare cum
 in Statuto in Parlamento, &c. (ut
 supra usque) vel responderet de cor-
 poribus Malefactorum prout in Statu-
 to predicto plenius continetur: ac
 cum quidam Malefactores prefato A.
 ignoti apud O. in Com' predicto in
 quodam loco ibidem vocat' B. (ut
 supra usque) & contra formam Sta-
 tuti predicti, &c. Et unde idem
 A. per G. F. Attorn' suum queri-
 tur quod cum quidam Malefactores
 videlicet quatuor Homines eidem A.
 ignot' 19 die J. anno Regni dict' Do-
 mini Regis nunc 33 apud O. in Com'
 predicto in quodam loco ibidem vocat'
 B. &c. (ut supra usque) Et post
 Roberiam & Feloniam ill' fact' &
 infra 20 dies prox' ante diem impe-
 trationis brevis originalis predicti
 A. scilicet 20 die J. anno Regni Do-
 mini Regis nunc 33 predictus A.
 coram predicto E. F. Ar. tunc uno
 Justic', &c. (ut supra usque) Et
 post Roberiam illam fact' & ante
 diem

diem impetrationis brevis originalis
 predicti A. 40 dies jam scilicet die
 impetrationis brevis originalis ipsius
 A. praterierunt, &c. (ut supra us-
 que) contra formam Statuti predicti,
 unde dic' quod deteriorat' est & dam-
 num habet ad valenc', &c. Et inde
 produc' sectam, &c.

¶ **H**omines inhabitant' infra Hun- Aliter in
 dred' de A. & B. in Com' divis
 predicto attach' fuer' ad respondend' Hundre-
 tam Domino Regi nunc quam C. D. dorum.
 gen' de p'lito quare cum in Statuto
 (ut in Or' usque) ac cum quidam Ma-
 lefactores prafat' C. ignot' in Regia
 via infra parochiam de B. in Com'
 predicto (qua quidem Regia via est in
 divisis Hundredorum) vi & armis
 (ut in Or' usque) Idemque C. imme-
 diate post Feloniam, &c. fact' apud
 Villam de H. in predicto Com' M.
 (que quidem Villa de H. est prope
 predictum locum ubi Roberia predicta
 sic ut prafertur facta fuit) Hutes'
 & Clam' de Roberia & Felonia pred'
 fecit. Et adtunc & ibidem notitiam
 inhabitantibus ejusdem Ville de H. de
 Roberia & Felonia illis dedit, &c. (ut
 in Or'.)
 Barr'

Barr' sur Statut' de Hutes' &
Clam'.

Non cul.
ove chal-
lenge de
Hundred'

II. **E**T pradiēti homines inhabitant' in Hundredo pradiēto per A. B. Attorn' suum ven' & defend' vim & injur' & omnem contemptum. Et quicquid, &c. Et dic' quod ipsi in nullo sunt culpabiles de premissis superius eis imposi' contra formam Statuti pradiēti prout pradiētus quer' superius versus eos queritur. Et de hoc pon' se super Patriam & pradiētus quer' similiter. Et super hoc idem quer' dic' quod prad' homines inhabitant' in pradiēto Hundredo de W. ubi Roberia illa facta fuit sunt partes defendentes versus quos idem quer' in forma pradiēta queritur. Et ea de causa pet' breve Domini Regis Vic' Com' prad' dirigend' de venire faciend' hic duodecim, &c. de Visn' Hundredi de O. prad' in Com' prad' (quod quidem Hundredum de O. est prox' Hundredum in eodem Com' pradiēt' Hundredo de W. prox' adjacent')

jacen') ad triand' exitum predictum
superius in forma predicta junct'. Et
quia homines inhabitant' in predicto
Hundredo de W. hoc non dedic' ei
conceditur, &c. Ideo praecept' est Vic' Verdict &
quod venire fac' hic in Crastino san- Judgement
cta Trin' de Visn' de predicto Hun- pur le pl't.
dr' de O. duodecim, &c. per quos, &c.
Et qui nec, &c. ad recogn', &c.
quia tam, &c.

¶ **E**T predicti inhabitantes per A. Barr' per
B. attorn' suum ven' & de- nul Huy
fend' vim & injur' & omnem con- & Cry fait.
temptum. Et quicquid, &c. Et dic'
quod predictus quer', &c. Quia prote-
stando quod predictus quer' non spolia-
tus fuit Protestandoque etiam quod
predictus quer' per spoliacionem pre-
dictam non perdidit aliqua bona sive
catalla vel pecuniarum summas prout
predictus quer' superius allegavit.
Pro placito iidem inhabitant' dicunt
quod predictus quer' immediate post
Feloniam, Roberiam & spoliacionem
predictas superius fieri supposit' apud
A. predict' non fecit Hutesiam &
Clamorem de Roberia predicta secun-
dum formam Statuti predicti prout
ipse

The Traveller's Guide, and,

ipse superius allegavit. Et hoc parati sunt verificare unde petunt Iudicium si predictus quer' actionem suam predictam versus eos habere debeat, &c.

Non inform' sur
Stat. de
Huy &
Cry, ove
Judgment
puis brief
de Inquiry.

¶ **E**T predicti homines inhabitantes in Hundredo predicto per C. D. attorn' suum ven' & defend' vim & injur' quando, &c. Et quicquid, &c. Et idem attorn' dic' quod ipse non est inform' per eosdem homines inhabitant' in Hundredo predicto de aliquo Respons' pro eisdem hominibus inhabitant' in Hundredo predicto prefat' quer' in loquela predicta dand'. Et nihil aliud inde dic' per quod idem quer' reman' versas prefat' homines inhabitant' in Hundredo predicto inde indefens' ob quod predictus quer' damna sua occasione premissa versus prefat' homines inhabitant' in Hundredo predicto recuperare debeat, sed quia nescitur qua damna idem quer' sustinuit occasione illa preceptum est hic quod per Sacramentum proborum & legalium hominum de Com' predicto diligenter inquireat qua damna idem quer' sustinuit

ram occasione premissa quàm pro mis'
 & custagiis suis per ipsum circa se-
 ctam suam in hac parte apposit'. Et
 Inquisitionem quam, &c. Vic' con-
 stare fac' hic à die Pasche in quin-
 decim dies sub sigillo, &c. Et sigil-
 lis, &c. Et Vic' videlicet A. B. Ar'
 modo mand' hic quandam Inquisi-
 tionem coram eo apud Brentford in Com'
 pradicto (tali die & Mense) ult'
 prateris' per sacrm' duodecim, &c.
 virtute brevis pradietti capi' per quam
 comperi' existis quod pradiectus quer'
 sustinuit damna occasione premissa
 ultra mis' & custagia sua per ipsum
 circa sectam suam in hac parte ap-
 posit' ad triginta libras. Et pro mis'
 & custagiis illis ad decem solid'. Id-
 eo cons' est quod pradiectus quer' re-
 cuperet versus prafat' homines inha-
 bitan' in Hundredo pradiecto damna
 sua pradiecta ad triginta libras & de-
 cem solidos per Inquisitionem pradi-
 etam in forma pradiecta comperi' nec-
 non duodecim libras eidem quer' ad
 requisitionem suam pro mis' cu-
 stagiis suis pradiectis per Cur' hic de
 inc'ro adjudicat'. Qui quidem dama-
 na in toto se attingunt ad quadra-
 G ginta

The Traveller's Guide, and,
ginta duas libras & decem denar'.
Et predicti homines inbabitant' in
Hundredo predicto in mia', &c.

Judgment ff.
 Jur Statute
 de Hue &
 Cry puis
 Verdict.

I Deo cons' est quod predictus
 quer' recuperet versus prefat'
 homines inbabitant' in Hundredo pra-
 dicto damna sua predicta ad, &c.
 per Jur' predictos in forma predicta
 assess' necnon, &c. eidem quer' qui
 tam, &c. ad requisitionem suam pro
 mis' & custagiis suis predictis per
 Cur' hic de inc'ro adjudicat'. Que
 quidem damna in toto se attingunt
 ad, &c. Et predicti homines inha-
 bitant' in mia', &c.

Venire

Venire Facias upon the Statute
of Huy and Cry.

¶ **P**Recip' tibi quod Ven' Fac' co-Ven' Fac'.
ram, &c. duodecim liberos &
legales homines de Visn' Hundred
de O. in Com' D. quorum quilibet
habeat 4li. terr', &c. per quos, &c.
Et qui nec A. B. qui tam pro nobis
quam pro seipso sequit' quer' nec ho-
mines inbabitant' in Hundredo de O.
in Com' D. aliqua affinitate attingunt
ad faciend' quandam Jur' inter par-
tes prad' de placito transg' & con-
tempt' contra formam Stat' de Hutes'
& Clam' in hujusmodi casu inde
nuper edit' & provis' quia tam
isdem homines inbabitant' in Hundre-
do prad' quam nos & prad' R. inter
quos inde contentio est posuer' se in
juras' illam. Et habeas ibi nomina
Jur' & hoc breve T. &c.

¶ **P**Recip' tibi quod distr' homines Distr' Jur'.
inbabitant' in Hundred' de O.
in Com' tuo per omnes, &c. ita quod
G 2 habeas

The Traveller's Guide, and,

*habeas corpora eorum coram, &c. ad
resp' tam nobis quam A. B. quare
cum in Statuto in Parlamento Do-
mini Edwardi nuper Regis Anglia,
primi (ut in Or' usque) & contra
formam Statuti de anno 13. præd'.
Et ad audiend' judicium suum de
plur' defali'. Et habeat, &c.*

Return'.

*Manucept' infra nominat' hominum
inhabitant' in Hundred de O. infra-
scripsi'*

J. Doo }
R. Roo } Exit' ab

E. H. Ar' Vic'.

Inquit' de
das in
Transge &
contemp'
tur Stat' de
Hures &
Crane'.

S*aintem. Cum homines inhabitant'
in Hundred' de O. in Com' tuo
aitach' essent essend' in Cur' nostra
coram, &c. ad respondend' tam nob'
quam R. B. de placito quare cum in
Statuto in Parlamento Domini Ed-
wardi, &c. Et contra formam Statu-
ti præd' de anno 13. præd' Taliterq;
in Cur' nostra coram, &c. process'
est quod præd' R. damna sua occasio-*

ne premissa versus prefat' homines
inhabitan' infra prad' Hundred' de
O. recuperare debeat. Et quia Cur'
nostra incognit' existit que damna
prad' R. tam occasione premiss'
quam pro mis' & custagiis suis per
ipsum circa sectam suam in hac parte
apposit' sustinuit tibi precipimus quod
per sac'r'm proborum & legalium ho-
minum de balliva tua diligent' inqui-
ras que damna prad' R. tam occa-
sione premiss' quam pro mis' &
custagiis suis prad' sustinuit. Et
Inquisitionem ill' sic per te distincte
& aperte capi' Nob' sub sigillo tuo
& sigillis eorum per quorum sac'r'm
Inquisition' illam feceris in (tali Re-
torn') ubicunque tunc fuerimus in
Anglia mittas una cum hoc brevi
Teste, &c.

The Oath to be taken before a Justice of the Peace by the person or persons who were robbed whereupon the party robbed may ground his Action, according to the Statute of 27 Eliz.

The 20th day of January, 1681.

Mid **T**HE day and year above-said *A. B.* of *C.* in the County of *D.* Gent. came before *E. F.* Esq; one of his Majesties Justices of the Peace in the said County of *D.* and made Oath, That Monday morning, being the 19th day of this instant *January*, about 8 of the Clock, the said *A. B.* and one *L. M.* of *London*, Merchant, came from *B.* where they lay the night before at the Sign of the *King's Head* there, and dined at *C.* at the *Queen's Head* there, and about two of the Clock went from thence towards

wards *D.* and about five or six miles off from the Town, there overtook them in the High-way, between a p'ace called *Johnson's Oak* and the Park Wall of *L. T. Esq;* four Horsemen, one whereof, &c. (describing them by their Persons, Habits and Horses) which said four Horsemen set upon this Examinant and robbed him, taking from him by force the Sum of, &c. and the said *A. B.* being examined whether he knoweth the said parties or any of them which so robbed him, he saith and deposeth that he doth not know them or any of them.

A. B.

*Jurati die & anno supra-
dicti coram me E. F.*

FINIS.

*A Catalogue of Books sold by
Langley Curtis, at the Sign
of Sir Edmundbury Godfrey's
Head in Goat Court on Lud-
gate-Hill.*

THE *History of the Damnable
Popish Plot.* Written by the
Authour of *The weekly Pacquet of
Advice from Rome.*

The *Life and Reign of King Ri-
chard the Second.* By a Person of
Quality.

*Popery; or, The Principles and
Positions approved by the Church of
Rome (when really believ'd and
practis'd)* are very dangerous to
all, and to *Protestant Kings* more
especially, and inconsistent with
Loyalty. By T. Lord Bishop of
Lincoln.

*Supplications of Protestants, con-
taining the Life of Sir Edmundbury
Godfrey,*

Books sold by Langley Curtis.

Godfrey, with *Private and Family Devotions*; also *Prayers* against Poverty, with *Thanksgivings and Graces*.
By Henry Godfrey, M. A.

A Compendious *Treatise of Recoveries* upon Writs of Entry in the Post, and Fines upon Writs of Covenant, with ample instructions how to draw, acknowledge and levy the same in all Cases.

The *Astrological Judgment* and *Practice of Physick*, deduced from the Position of the Heavens at the Decumbiture of the Sick Person, shewing by an universal Method, not onely the Cause, but the Cure and End of all manner of Diseases incident to humane Bodies: being the thirty years Practice and Experience of Richard Saunders, Student in *Astrology* and *Physick*,

England's Remarques, giving an exact account of the several Shires, Counties and Islands in *England* and *Wales*, how Bounded their Length, Breadth and Circumference; the temperature of the Air, and fertility or barrenness of Soil; the Commodities they afford; the Diocesess,
Pari-

Books sold by Langley Curtis.

Parishes, Parliament Men, Hundreds and Markets; and whatever else is remarkable throughout the whole Kingdom.

The Protestant School, or Forms of Prayer, Psalms, Lessons, Thanksgivings and Graces, for the bringing up and well-grounding Children and elder Persons in the Protestant Religion. By Bishop Usher. Also a Catalogue of all *English Words*, from one to eight Syllables, divided and not divided, teaching the readiest way to Spell, Reade and Write *true English*. To which is added, an *Historical Account* of several *Plots* and *remarkable Passages*, lively represented in *Copper Plates*. By *Moses Lane*, Schoolmaster in *London*.

An Alarm for Sinners; or the Confession, Prayers, Letters and last words of *Mr. Foulkes*, late Minister of *Stanton-Lacy*.

The Character of an Ill-Court-Favourite, representing the *Michiefs* that flow from *Ministers of State* when they are inore *great* than *good*. Translated out of *French*.

Mr. Thur-

Books sold by Langley Curtis.

Mr. Turbulent; or, the *Melancholicks*: a Comedy, as it was acted at the *Duke's Theatre*.

The Medal Revers'd; a *Satyr* against *Persecution*. By the Authour of *Azaria* and *Hushai*.

Azaria and *Hushai*; a Poem.

The Clerk's Manual; or, an exact Collection of the most approved Forms of Declarations, Pleas, general Issues, Judgments, Demurrers, and most kind of Writs now used in the Court of *Kings Bench*, with necessary instructions to all *Clerks*, *Attorneys*, *Solicitors*, &c. in the use of the same.

The plain Englishman's Historian, or, a Compendious Chronicle of *England*, from its first being inhabited to this present year, 1679. But more especially containing the chief Remarques of all our Kings and Queens since the Conquest, their Lives and Reigns, Policies, Wars, Laws, Successes and Troubles: With the most notable Accidents, as Dearths, Tempests, Monstrous Births, and other Prodigies that happened in each of their times respectively.

A Sy-

Books sold by Langley Curtis.

A Synopsis of Heraldry; or, The most plain, short and easie way for the perfect attaining of that Art, containing all necessary directions in order thereunto: There being about 300 Coats of Arms, and about 50 Crests engraven upon Copper Plates; and the Atchievements of the Kings of *England* since King *Egbert* of the Saxon Race. The Paternal Coats of the Nobility of *England* [with a List of the Knights of the Garter] The Arms of the Archiepiscopal and Episcopal Sees, and of the two Universities, and the severall Colleges in them; and of the Inns of Court, and other Houses of Law in *London*; with some hundreds of Gentlemens Coats, all truly Blazon'd. To which is added an Alphabetical Table for the ready finding any name whose Coat is herein Blazon'd.

THE END.

